

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
15 February 2001 (15.02.2001)

PCT

(10) International Publication Number  
**WO 01/10314 A2**

(51) International Patent Classification<sup>7</sup>: **A61B 17/22**

95120 (US). DAVENPORT, James, M. [US/US]; 1461  
Sunset Grove Road, Fallbrook, CA 92028 (US).

(21) International Application Number: PCT/US00/21637

(22) International Filing Date: 7 August 2000 (07.08.2000)

(74) Agents: BAGADE, Sanjay, S. et al.; Morrison & Foerster  
LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018 (US).

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
60/147,528 5 August 1999 (05.08.1999) US  
60/176,141 14 January 2000 (14.01.2000) US

(81) Designated States (*national*): AE, AG, AL, AM, AT, AU,  
AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ,  
DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR,  
HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR,  
LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ,  
NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM,  
TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.

(71) Applicant (*for all designated States except US*): BRON-  
CUS TECHNOLOGIES, INC. [US/US]; Building A,  
Suite 8, 1400 N. Shoreline Boulevard, Mountain View, CA  
94043 (US).

(84) Designated States (*regional*): ARIPO patent (GH, GM,  
KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian  
patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European  
patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE,  
IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG,  
CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

(72) Inventors; and

(75) Inventors/Applicants (*for US only*): COOPER, Joel,  
D. [US/US]; 2708 Turnberry Park Lane, St. Louis, MO  
63131 (US). LOOMAS, Bryan [US/US]; 265 Snow  
Crest Drive, Los Gatos, CA 95033 (US). TANAKA, Don  
[US/US]; 18774 Devon Avenue, Saratoga, CA 95070  
(US). LAUFER, Michael, D. [US/US]; 1259 El Camino  
Real #211, Menlo Park, CA 94025 (US). THOMPSON,  
David [US/US]; 793 Almondwood Way, San Jose, CA

Published:

— *With declaration under Article 17(2)(a): without abstract;  
title not checked by the International Searching Authority.*

*For two-letter codes and other abbreviations, refer to the "Guid-  
ance Notes on Codes and Abbreviations" appearing at the begin-  
ning of each regular issue of the PCT Gazette.*

WO 01/10314 A2

(54) Title: METHODS AND DEVICES FOR CREATING COLLATERAL CHANNELS IN THE LUNGS

(57) Abstract:

## METHODS AND DEVICES FOR CREATING COLLATERAL CHANNELS IN THE LUNGS

5

### FIELD OF THE INVENTION

The invention is directed to methods and devices to altering gaseous flow within a lung to improve the expiration cycle of an individual, particularly individuals having Chronic Obstructive Pulmonary Disease (COPD). More particularly, methods and devices are disclosed to produce and to maintain collateral openings or channels through the airway wall so that expired air is able to pass directly out of the lung tissue to facilitate both the exchange of oxygen ultimately into the blood and/or to decompress hyper-inflated lungs.

10

### BACKGROUND OF THE INVENTION

15

The term "Chronic Obstructive Pulmonary Disease" (COPD) is generally used to describe the disorders of emphysema and chronic bronchitis. Previously, COPD was also known as Chronic Obstructive Lung Disease (COLD), Chronic Airflow Obstruction (CAO), or Chronic Airflow Limitation (CAL). Some also consider certain types of asthma to fall under the definition of COPD. Emphysema is characterized by an enlargement of air spaces inside the lung. Hence, Emphysema is an anatomic definition and it can only be presumed in a living patient. Chronic bronchitis is characterized by excessive mucus production in the bronchial tree. Chronic bronchitis is a clinical definition and denotes those individuals who meet criteria defining the disease. It is not uncommon for an individual to suffer from both disorders.

20

25

In 1995, the American Lung Association (ALA) estimated that between 15-16 million Americans suffered from COPD. The ALA estimated that COPD was the fourth-ranking cause of death in the U.S. The ALA estimates that the rates of emphysema is 7.6 per thousand population, and the rate for chronic bronchitis is 55.7 per thousand population.

30

Those afflicted with COPD face disabilities due to the limited pulmonary functions. Usually, individuals afflicted by COPD also face loss in muscle strength and an inability to perform common daily activities. Often, those patients desiring treatment for COPD seek a

physician at a point where the disease is advanced. Since the damage to the lungs is irreversible, there is little hope of recovery. Most times, the physician cannot reverse the effects of the disease but can only offer treatment and advice to halt the progression of the disease.

5           To understand the detrimental effects of COPD, the workings of the lungs requires a cursory discussion. The primary function of the lungs is to permit the exchange of two gasses by removing carbon dioxide from venous blood and replacing it with oxygen. Thus, to facilitate this exchange, the lungs provide a blood gas interface. The oxygen and carbon dioxide move between the gas (air) and blood by diffusion. This diffusion is possible since  
10           the blood is delivered to one side of the blood-gas interface via small blood vessels (capillaries). The capillaries are wrapped around numerous air sacs called alveoli which function as the blood-gas interface. A typical human lung contains about 300 million alveoli.

          The air is brought to the other side of this blood-gas interface by a natural  
15           respiratory airway, hereafter referred to as a natural airway or airway, consisting of branching tubes which become narrower, shorter, and more numerous as they penetrate deeper into the lung. Specifically, the airway begins with the trachea which branches into the left and right bronchi which divide into lobar, then segmental bronchi. Ultimately, the branching continues down to the terminal bronchioles which lead to the alveoli. Plates of  
20           cartilage may be found as part of the walls throughout most of the airway from the trachea to the bronchi. The cartilage plates become less prevalent as the airways branch. Eventually, in the last generations of the bronchi, the cartilage plates are found only at the branching points. The bronchi and bronchioles may be distinguished as the bronchi lie proximal to the last plate of cartilage found along the airway, while the bronchiole lies  
25           distal to the last plate of cartilage. The bronchioles are the smallest airways that do not contain alveoli. The function of the bronchi and bronchioles is to provide conducting air ways that lead inspired air to the gas-blood interface. However, these conducting airways do not take part in gas exchange because they do not contain alveoli. Rather, the gas exchange takes place in the alveoli which are found in the distal most end of the airways.

30           The mechanics of breathing include the lungs, the rib cage, the diaphragm and abdominal wall. During inspiration, inspiratory muscles contract increasing the volume of the chest cavity. As a result of the expansion of the chest cavity, the pleural pressure, the



pressure within the chest cavity, becomes sub-atmospheric with respect to the pressure at the airway openings. Consequently, air flows into the lungs causing the lungs to expand. During unforced expiration, the expiratory muscles relax and the lungs begin to recoil and reduce in size. The lungs recoil because they contain elastic fibers that allow for

5 expansion, as the lungs inflate, and relaxation, as the lungs deflate, with each breath. This characteristic is called elastic recoil. The recoil of the lungs causes alveolar pressure to exceed the pressure at airway openings causing air to flow out of the lungs and deflate the lungs. If the lungs' ability to recoil is damaged, the lungs cannot contract and reduce in size from their inflated state. As a result, the lungs cannot evacuate all of the inspired air.

10 Emphysema is characterized by irreversible damage to the alveolar walls. The air spaces distal to the terminal bronchiole become enlarged with destruction of their walls which deteriorate due to a bio-chemical breakdown. As discussed above, the lung is elastic, primarily due to elastic fibers and tissues called elastin found in the airways and air sacs. If these fibers and tissues become weak the elastic recoil ability of the lungs

15 decreases. The loss of elastic recoil contributes to more air to entering the air sacs than can exit preventing the lungs from reducing in size from their inflated state. Also, the bio-chemical breakdown of the walls of the alveolar walls causes a loss of radial support for airways which results in a narrowing of the airways on expiration.

Chronic bronchitis is characterized by excessive mucus production in the bronchial

20 tree. Usually there is a general increase in bulk (hypertrophy) of the large bronchi and chronic inflammatory changes in the small airways. Excessive amounts of mucus are found in the airways and semisolid plugs of this mucus may occlude some small bronchi. Also, the small airways are usually narrowed and show inflammatory changes.

In COPD, a reduction in airflow arises as a result of 1) partial airway occlusion by

25 excess secretions, 2) airway narrowing secondary to smooth muscle contraction, bronchial wall edema and inflation of the airways, and 3) reduction in both lung elasticity and tethering forces exerted on the airways which maintain patency of the lumen. As a result of the COPD, the airways close prematurely at an abnormally high lung volume. As mentioned above, in an emphysematous lung there is a decrease of lung parenchyma as

30 there are larger and fewer air sacs. Thus, there is a decrease in the amount of parenchymal tissue which radially supports the airways. This loss of radial traction allows the airway to collapse more easily. As lung recoil decreases and airway closure occur at higher lung

volumes, the residual volume of gas in the lung increases. Consequently, this increased residual gas volume interferes with the ability of the lung to draw in additional gas during inspiration. As a result, a person with advanced COPD can only take short shallow breaths.

One aspect of an emphysematous lung is that the flow of air between neighboring  
5 air sacs, known as collateral ventilation, is much more prevalent as compared to a normal lung. Yet, while the resistance to collateral ventilation may be decreased in an emphysematous lung the decreased resistance does not assist the patient in breathing due to the inability of the gasses to enter and exit the lungs as a whole.

Currently, although there is no cure for COPD, treatment includes bronchodilator  
10 drugs, and lung reduction surgery. The bronchodilator drugs relax and widen the air passages thereby reducing the residual volume and increasing gas flow permitting more oxygen to enter the lungs. Yet, bronchodilator drugs are only effective for a short period of time and require repeated application. Moreover, the bronchodilator drugs are only  
15 effective in a certain percentage of the population of those diagnosed with COPD. In some cases, patients suffering from COPD are given supplemental oxygen to assist in breathing. Unfortunately, aside from the impracticalities of needing to maintain and transport a source of oxygen for everyday activities, the oxygen is only partially functional and does not eliminate the effects of the COPD. Moreover, patients requiring a supplemental source of oxygen are usually never able to return to functioning without the oxygen.

20 Lung volume reduction surgery is a procedure which removes portions of the lung that are over-inflated. The improvement to the patient occurs as a portion of the lung that remains has relatively better elastic recoil which allows for reduced airway obstruction. The reduced lung volume also improves the efficiency of the respiratory muscles. However, lung reduction surgery is an extremely traumatic procedure which involves  
25 opening the chest and thoracic cavity to remove a portion of the lung. As such, the procedure involves an extended recovery period. Hence, the long term benefits of this surgery are still being evaluated. In any case, it is thought that lung reduction surgery is sought in those cases of emphysema where only a portion of the lung is emphysematous as opposed to the case where the entire lung is emphysematous. In cases where the lung is  
30 only partially emphysematous, removal of a portion of emphysematous lung increases the cavity area in which the non-diseased parenchyma may expand and contract. If the entire

lung were emphysematous, the parenchyma is less elastic and cannot expand to take advantage of an increased area within the lung cavity.

Both bronchodilator drugs and lung reduction surgery fail to capitalize on the increased collateral ventilation taking place in the diseased lung. There remains a need for a medical procedure that can alleviate some of the problems caused by COPD. There is also a need for a medical procedure that alleviates some of the problems caused by COPD irrespective of whether a portion of the lung, or the entire lung is emphysematous. The production and maintenance of collateral openings through an airway wall which allows expired air to pass directly out of the lung tissue responsible for gas exchange. These collateral openings ultimately decompress hyper inflated lungs and/or facilitate an exchange of oxygen into the blood.

#### SUMMARY OF THE INVENTION

This invention relates to devices and methods for altering gaseous flow in a diseased lung. In particular, the inventive method includes the act of improving gaseous flow within a diseased lung by the step of altering the gaseous flow within the lung. A variation of the inventive method includes the act of selecting a site for collateral ventilation of the diseased lung and creating at least one collateral channel at the site. The term "channel" is intended to include an opening, cut, slit, tear, puncture, or any other conceivable artificially created opening. A further aspect of the invention is to locate a site within a portion of a natural airway of the respiratory system of the patient having the diseased lung. The portion of the natural airway selected for the creation of the collateral channels may be, for example, the bronchi, the upper lobe, the middle lobe, the lower lobe, segmental bronchi and the bronchioles.

A variation of the invention includes selecting a site for creating a collateral channel by visually examining areas of collateral ventilation. One variation includes visually examining the lung with a fiber optic line. Another example includes the use of non-invasive imaging such as x-ray, ultrasound, Doppler, acoustic, MRI, PET computed tomography (CT) scans or other imaging. The invention further includes methods and devices for determining the degree of collateral ventilation by forcing gas through an airway and into air sacs, reducing pressure in the airway, and determining the reduction in diameter of the airway resulting from the reduction in pressure. The invention further

includes methods and devices for determining the degree of collateral ventilation by forcing a volume of gas within the lung near to the airway and measuring pressure, flow, or the return volume of gas within the airway. The invention also includes methods and devices for occluding a section the airway and determining the degree of collateral ventilation  
5 between the occluded section of the airway and the air sacs.

An important, but not necessarily critical, portion of the invention is the step of avoiding blood vessels or determining the location of blood vessels to avoid them. It is typically important to avoid intrapulmonary blood vessels during the creation of the collateral channels to prevent those vessels from rupturing. Thus, it is preferable to avoid  
10 intrapulmonary or bronchial blood vessels during the creation of the collateral channels. Such avoidance may be accomplished, for example by the use of non-invasive imaging such as radiography, computed tomography (CT) imaging, ultrasound imaging, Doppler imaging, acoustical detection of blood vessels, pulse oxymetry technology, or thermal detection or locating. The avoidance may also be accomplished using Doppler effect, for  
15 example transmission of a signal which travels through tissue and other bodily fluids and is reflected by changes in density that exist between different body tissue/fluids. If the signal is reflected from tissue/fluid that is moving relative to the sensor, then the reflected signal is phase shifted from the original signal thereby allowing for detection. The invention includes devices having at least one sensor for the above described imaging methods. In  
20 variations of the invention having multiple sensors, the sensors may be arranged in a linear pattern or in an array pattern. Also, the invention may have a mark to serve as a reference point while the device is remotely viewed.

The invention may include adding an agent to the lungs for improving the imaging. For example, a gas may be inserted into the lungs to provide contrast to identify  
25 hyperinflation of the lungs during an x-ray or other non-invasive imaging. For example,  $^{133}\text{Xe}$  (Xenon 133) may be used as the agent. Also, a contrast agent may help in identifying blood vessels during CT scans. Another example includes inserting a fluid in the lungs to couple an ultrasound sensor to the wall of an airway.

Another variation of the act of looking for blood vessels includes insertion of a  
30 probe into a wall of the natural airway for the detection of a blood vessel. Such a probe may, for example, detect the presence of a blood vessel upon encountering blood such as when the probe is inserted into a vessel. The probe may also use ultrasonic detection to

determine the location of a vessel. For example, ultrasound may be used to determine changes in composition of the tissue beyond the airway wall for determination of the location of a vessel. A probe may, for example, use low frequency radio energy to induce heat at a point and determine the presence of a vessel by measuring a change in temperature due to the conduction of heat by the blood flowing within the vessel. Another variation is that the probe could detect changes in impedance given a pre-arranged discharge of current through the bloodstream. It is also contemplated that the probe is used, for example, purposely to find the blood vessel, so that an alternative site may be selected at a safe distance from the vessel.

Another variation of the invention is via the delamination of the blood vessel and the wall of an airway. This delamination may occur in many ways. For instance, the airway may be expanded until the vessel separates from the wall of the airway. Or, a vacuum may be applied within the interior of the airway using, for example, two occlusive balloons or the like to isolate a portion of the airway and apply a vacuum. The vacuum between the balloons constricts the diameter of the airway by collapsing the walls of the airway until the exterior walls separate from any blood vessel.

The invention may also include providing a remotely detectable signal to indicate the presence or absence of any blood vessels at the target site. The invention also includes methods and devices for marking a desired site for the creation of a collateral channel.

The invention also includes the act of creating one or more collateral channels within the respiratory system of the individual. The collateral channels may have a cross sectional area anywhere between  $0.196 \text{ mm}^2$  to  $254 \text{ mm}^2$ . Any subset of narrower ranges is also contemplated. The collateral channels may also extend anywhere from immediately beyond the epithelial layer of the natural airway to 10 cm or more beyond the epithelial layer. The channel or channels should be created such that the total area of the channel(s) created is sufficient to adequately decompress a hyperinflated lung. The channel may be, for example, in the shape of a hole, slit, skive, or cut flap. The channel may be formed by the removal of any portion of the airway wall; e.g., a circumferential or arc-shaped ring of material may be removed to form the channel. Such an excised periphery may be for example, perpendicular or at angled with respect to the axis of the airway.

Another variation of the invention involves creation of a collateral channel by creating an incision in a natural airway and using a blunt member to push the vessel away

from the path of a collateral channel. Another variation of forming the collateral channel is, for example, by use of a mechanical process such as dilation, cutting, piercing, or bursting. For example, a balloon may be used to expand an incision made in the natural airway or the natural airway itself until a collateral channel is opened. Or, a mechanical  
5 cutter or piercing tool could be used to open and create the collateral channel. Another variation for creating a collateral channel includes making an incision in the natural airway and placing the wall of the airway in tension, then advancing a blunt instrument into the incision.

Also, it is anticipated that along with any method of creating a collateral channel  
10 any loose material or waste generated by the creation of the collateral channel is optionally removed from the airway.

Another variation for creating the collateral channel is the creation of the airway using electric energy, for example radio frequency. Or, for example, ultrasonic energy, a laser, microwave energy, chemicals, or cryo-ablative energy may be used to form a  
15 collateral channel as well. A feature of these methods often includes creation of a hemostasis in the event that any blood vessel is punctured. For example, use of RF energy provides a hemostasis given a puncture of a vessel by using heat to seal the vessel. Similarly, an ultrasonic scalpel also provides an area of hemostasis in case the vessel is punctured. It is understood that any combination of different methods may be used for  
20 forming a single or multiple collateral channels. A variation of the invention includes a limiter for limiting the depth of a collateral channel.

A variation of the inventive device includes a device that detects motion within tissue using Doppler measurements. The device may include a flexible member having a transducer assembly that is adapted to generate a source signal and receive a reflected  
25 signal. The inventive device may also comprise a hole-making assembly that is adapted to making collateral channels within tissue. The transducer assembly may include an acoustic lens which enables the transmission and detection of a signal over a tip of the device. The hole-making assembly may be an RF device and use portions of the tip of the device as RF electrodes, or the hole-making assembly may use ultrasound energy to make the hole.

Another variation of the invention includes the act of inserting an implant or  
30 conduit within a collateral channel to maintain the patency of the channel over time during the expiration cycle of the lung. A conduit could, for example, have distal and proximal

ends with a wall defining a lumen extending between the ends. The conduit could have, for example, a porous wall permitting the exchange of gasses through the wall. The conduit may, for example, be comprised of a material such as elastomers, polymers, metals, metal alloys, shape memory alloys, shape memory polymers, or any combination thereof. A  
5 variation of the invention includes an expandable conduit, either one that is self-expanding, or one that expands in diameter in relation to any applied radial, or axial force. For example, the conduit may be expanded into an opening of the natural airway upon the inflation of a balloon. A variation of the conduit may include the use of flanges or anchors to facilitate placement of the device within an airway. Another variation of the conduit  
10 includes placing a one-way valve within the conduit. Another variation includes using a self cleaning mechanism within the conduit to clear accumulating debris.

The inventive conduit may be, for example, removable or permanent. Also, another variation of the device includes a means for inserting the conduit within a collateral channel. The conduit may be constructed to allow for passage of gasses through its wall,  
15 for example, the conduit may have a wall consisting of a braid. A variation of the conduit may be located through an opening in a wall of an airway and engage both an inside and outside of the wall. Another variation of the conduit includes a distal end having a porous member and a proximal end having a grommet member which engages an opening in a wall of the natural airway. Yet another variation of the implant, for example, comprises an  
20 expandable conduit-like apparatus which could bridge an opening within a wall of a natural airway. Another variation includes the conduit-like apparatus having a cutting portion exterior to the device wherein expansion of the device pierces the wall of the natural airway and creates a collateral channel.

An aspect of the invention is that conduits of varying cross-sectional areas may be  
25 placed in various sections of the lung to optimize the effect of the collateral channels.

Another variation of the invention includes the application of a cyano-acrylate, fibrin or other bio-compatible adhesive to maintain the patency of a collateral channel. The adhesive may be used with or without the conduit described above. For example, the adhesive may be deposited within the collateral channel to maintain patency of the channel  
30 or to create a cast implant of the channel. The inventive act further includes the act of delivering medications such as steroids which have been shown to inhibit the healing process, bronchodilators, or other such drugs which aid in breathing, fighting infection, or

recovery from the procedure. The steroids inhibit inflammation and then promote the stabilization of the created channel.

Another variation of the inventive process includes promoting the flow of gasses through under-utilized parenchymal inter-conduits, or bypassing restricted airways. It is also contemplated that the gaseous flow may be altered by, for example, making separate inspiratory and expiratory paths. Also, relieving pressure on the external wall of a natural airway may be accomplished to assist the natural airway by maintaining patency during the expiration cycle of the lung. Yet another variation includes creating collateral channels parallel to existing airflow paths, or the existing airflow paths may be increased in cross-sectional area.

The invention further includes a device for altering gaseous flow in a diseased lung comprising a locator for locating a site for collateral ventilation of the lung, and optionally, a creating means for opening at least one collateral channel at the site. It is contemplated that the device includes a means for locating a blood vessel as described above. Also, as stated above, the device may use a mechanical, electrical, laser, ultrasonic, microwave, or chemical process for creating a collateral channel. Another variation of the device includes a means for coagulating blood upon the entry of the device into a blood vessel. Yet another variation of the device includes the means for locating and the means for creating are the same. The device may further include a means for simultaneously creating a plurality of collateral channels.

Another variation of the implant includes conduits constructed from materials that oppose the constriction of the natural airway over time during the expiration cycle of the lung. Yet another variation of the implant includes a device which expands as the pressure in the lung decreases during the expiration cycle.

The invention further includes a modified respiratory airway having an artificially created channel allowing gaseous communication between an exterior of the airway and an interior of the airway.

The invention may include an endoscope or a bronchoscope configured to select sites and create collateral channels at those sites. An endoscope or a bronchoscope may also be configured to deploy conduits within the collateral channels. Another variation of the invention includes sizing the device to fit within the working channel of a bronchoscope.



The invention also includes methods for evaluating an individual having a diseased lung for a procedure to create collateral channels within an airway of the individual. The invention further includes the method of determining the effectiveness of the procedure.

The invention further includes the act teaching any of the methods described above.

5 The invention further includes the method of sterilizing any of the devices or kits described above.

### BRIEF DESCRIPTION OF THE DRAWINGS

10 Figure 1A-1C illustrates various states of the natural airways and the blood-gas interface.

Figures 1D-1G illustrate devices and methods for determining the degree of collateral ventilation within a lung.

Figure 2A illustrates a natural airway with a collateral channel in relation to a blood vessel.

15 Figures 2B-2K illustrate methods of avoiding blood vessel prior to the creation of a collateral channel.

Figures 2B-2E illustrate various methods for delaminating an airway from a blood vessel.

20 Figure 2F illustrates the use of a probe to determine a site for creating a collateral channel.

Figures 2G-2K illustrate the use of sensors to determine a site for creating a collateral channel.

Figures 3A-3I illustrate methods of and devices for creating a collateral opening within a natural airway.

25 Figures 3J-3K illustrate a method of folding epithelial tissue through a collateral channel.

Figure 4 illustrates a device and method for simultaneously creating numerous collateral channels or deployment of numerous probes.

Figures 5A-5W illustrate various configuration of implantable conduits.

30 Figures 6A-6D illustrate devices for detecting blood vessels within tissue.

Figures 6E-6O illustrates various devices for detecting blood vessels within tissue where the devices also include hole-making assemblies.

Figures 6P-6V illustrate various electrode configurations for the hole-making assemblies of the device.

Figures 7A-7B illustrate devices and methods for creating a collateral channel with a device having a hole-making assembly and also preserving the tissue surrounding the collateral channel.

Figures 7C-7D illustrate additional electrode configurations for use with a device of the present invention where the structure of the electrodes limits the possible depth of a collateral channel formed by the electrode.

Figures 8A-8U illustrate variations of conduits of the present invention.

Figures 9A-9I illustrate variations of methods and devices for deployment of conduits of the present invention.

#### DETAILED DESCRIPTION OF THE INVENTION

Prior to considering the invention, simplified illustrations of various states of a natural airway and a blood gas interface found at a distal end of those airways are provided in Figures 1A-1C. Figure 1A shows a natural airway 100 which eventually branches to a blood gas interface 102. Figure 1B illustrates an airway 100 and blood gas interface 102 in an individual having COPD. The obstructions 104 impair the passage of gas between the airways 100 and the interface 102. Figure 1C illustrates a portion of an emphysematous lung where the blood gas interface 102 expands due to the loss of the interface walls 106 which have deteriorated due to a bio-chemical breakdown of the walls 106. Also depicted is a constriction 108 of the airway 100. It is generally understood that there is usually a combination of the phenomena depicted in figures 1A-1C. More usually, the states of the lung depicted in figures 1B and 1C are often found in the same lung.

The following illustrations are examples of the invention described herein. It is contemplated that combinations of aspects of specific embodiments or combinations of the specific embodiments themselves are within the scope of this disclosure.

As will be explained in greater detail below, central to this invention in all of its aspects is the production and maintenance of collateral openings or channels through the airway wall so that expired air is able to pass directly out of the lung tissue and into the airways to ultimately facilitate exchange of oxygen into the blood and/or decompress hyper

inflated lungs. The term 'lung tissue' is intended to include the tissue involved with gas exchange, including but not limited to, gas exchange membranes, alveolar walls, parenchyma and/or other such tissue. To accomplish the exchange of oxygen, the collateral channels allow fluid communication between an airway and lung tissue. Therefore, gaseous flow is improved within the lung by altering or redirecting the gaseous flow within the lung, or entirely within the lung. Figure 1D illustrate a schematic of a lung 118 to demonstrate a principle of the invention described herein. As shown, a collateral channel 112 places lung tissue 116 in fluid communication with airways 100 allowing expired air to directly pass out of the airways 100. As shown, constricted airways 108 may ordinarily prevent air from exiting the lung tissue 116. In the example illustrated in Figure 1D, conduits 200 may be placed in the collateral channels 112 to assist in maintaining the patency of the collateral channels 112. Therefore, it is not necessary to pierce the pleura to improve gaseous flow within the lungs. While the invention is not limited to the number of collateral channels which may be created, it is preferable that 1 or 2 channels are placed per lobe of the lung. For example, the preferred number of channels is 2-12 channels per individual patient.

Accordingly, since the invention is used to improve the function of the lungs, a variation of the inventive device may include an endoscope or a bronchoscope configured to locate a site for creating a collateral channel and create the collateral channel. Another variation includes sizing the inventive device to fit within a working channel of an endoscope or a bronchoscope. For the sake of brevity, hereafter, any reference made to an endoscope includes the term bronchoscope.

The invention includes assessing the degree of the collateral ventilation taking place in an area of a lung to select a site for creation of a collateral channel. The invention may include locating a site for creation of a collateral channel by visually examining an airway for dynamic collapse. One method of visual examination includes the use of a fiber optic line or camera which may be advanced into the lungs and through the airways. Other variations of visually examining the lung to determine the location of a site for the creation of the collateral channel using non-invasive imaging, including but not limited to toradiography, computer tomography, ultrasound, Doppler, and acoustic imaging. Such imaging methods may also be used to determine the amount of collateral channels to be created.

Also contemplated in the invention is the addition of various agents to assist during imaging of the airways or lungs. One example includes the use of a non-harmful gas, such as Xenon, to enhance the visibility of hyperinflated portions of the lung during radiological imaging. Another example includes the use of inserting a fluid in the lungs to provide an improved sound transmission medium between the device and the tissue in variations of the invention using ultrasound, acoustic, or other imaging.

Another variation of the invention includes methods and devices for triggering a collapse of the airway to determine the degree of collateral ventilation in the lung. One example includes forcing a fluid, such as a gas, air, oxygen, etc., through the airway and into the air sacs. Next, to assess the patency of the airway, the pressure is reduced in the airway. One example of how pressure is reduced in the airway includes evacuating the air in a direction opposite to the air sacs. Constriction of the airway given a drop in pressure may be an indication of collateral ventilation of the lung in that region.

Figure 1E, illustrates a method and device 212 for causing collapse of the airway wall 100. The device 212 includes a fluid delivery member 214 located at a distal end of the device 212. The fluid delivery member 214 is configured to deliver a volume of fluid through the airway 100 and into an air sac (not shown). The device 212 may also comprise a probe 216 configured to collect data within the lung. The probe 216 may also simply consist of a channel that transmits signals outside of the lung. Moreover, the fluid delivery member 214 and the probe 216 may not be separate channels. Also, the device 212 may, but does not necessarily, have an occlusion member 218 designed to isolate a section of the airway 100 between the occlusion member 218 and the air sacs (not shown). The occlusion member 218, which forms a seal against the airway 100 walls, may provide a partially closed system allowing a more effective search for collateral ventilation between the air sacs (not shown.) The device delivers a burst of fluid, through the fluid delivery member 214 and subsequently uses the probe 216 to measure characteristics such as pressure, flow, or return volume to determine the degree of collateral ventilation. The term fluid is intended to include, air or a gas, such as oxygen, etc. For example, if the air sacs are diseased (as shown in figure 1C), the forced fluid will escape/disperse through another air sac due to the collateral ventilation of the air sacs. As a result, the probe 216 may fail to record any increase in pressure, volume, flow, or any other characteristic of the fluid at the site. Another variation of the invention includes using the fluid delivery member 214 to

add or remove fluid distally to the occluded segment and using the probe 216 to monitor flow or pressure changes in the area. For example, if after adding/removing fluid the pressure in the occluded segment fails to build/drop, the assumption may be made that the gas is being collaterally vented through diseased air sacs.

5           Figure 1F illustrates another variation of the invention. In this example, the device 220 comprises a separated probe 216 and gas delivery member 214. In this variation, the fluid delivery member 214 is configured to pass through a wall of the airway 100 so that fluid may be directly forced into, or pulled out of an air sac 102.

10           Figure 1G illustrates yet another variation of the invention. In this variation, the device 222 may have at least one fluid exchange passageway 224. The device 222 may force fluid into the airway 100 via the passageway 224. Then, fluid can be pulled out via the passageway 224, thus decreasing pressure distally to the device 222. The decrease in pressure permits fluid to flow out of the airway 100 and away from the air sac (not shown). In this case, if the air sacs surrounding the airway 100 are diseased and collateral  
15           ventilation is taking place, then the airway 100 may collapse. A variation of the invention may include an expandable member 218, such as a balloon, to create a seal against the airway 100 walls. Forming a seal may provide a partially closed system to search for collateral ventilation between air sacs (not shown.) As described above, observation of a collapsing airway 100 may indicate a desired site for creation of a collateral channel.

20           Figure 2A illustrates a blood vessel 110 on an outer wall of an airway 100. In this figure, the collateral channel 112 created using this invention is located away from the vessel wall 110. Such a positioning of the collateral channel 112 eliminates the risk of rupturing the vessel 110 during formation of the collateral channel 112. As mentioned above, the term channel is intended to include an opening, cut, slit, tear, puncture, or any  
25           other conceivable artificially created opening.

          Of course, it is not the case that blood vessels are necessarily as conveniently located as is seen in Figure 2A. Consequently, it may be desirable to move the vessels or to avoid them. Figure 2B illustrates a first way of moving the nearby vessel. Figure 2B shows the inflation of the airway 100 using a balloon 204 provided on a delivery device  
30           202. As shown in figure 2C, upon deflation of the balloon 204, the airway 100 and the vessel 110 become delaminated thereby moving the vessel from the region just outside the

exterior of the airway. Subsequent creation of a collateral channel using the inventive procedures will be less likely to hit the vessel.

Figure 2D demonstrates another device 206 and method for delaminating an airway 100 from a vessel 110. In this variation, the two balloons (204 & 205) occlude the airway 100. As shown in figure 2E, upon application of a vacuum, the vessel 110 and the airway 100 delaminate as the airway 100 separates from the vessel 110. It may be desirable to make a channel while the airway is contracted as shown in figure 2E.

Figure 2F illustrates the insertion of a probe 210 into a wall of the airway 100. Although, the probe 210 is illustrated to be a singular probe, the delivery device 208 may be adapted to have multiple probes. As described above, the probe 210 may detect the presence of blood such as when the probe is inserted into a vessel. For example, the probe 210 could be configured to puncture a wall of the airway 100, and detect the presence of blood. Optionally, the probe 210 could pull a vacuum to facilitate entry of blood into the probe 210. The probe 210 may also use ultrasonic detection to determine the location of a vessel. For example, ultrasound may be used to determine changes in composition of the tissue beyond the airway wall for determination of the location of a vessel. A probe 210 may, for example, use low frequency radio energy to induce heat at a point and determine the presence of a vessel by measuring a change in temperature due to the conduction away or removal of heat by the blood flowing within the vessel. Another variation is that the probe 210 could detect changes in impedance given a pre-arranged discharge of current through the bloodstream. If a probe 210 detects blood during its travel outside the airway, the user could select another spot for a collateral channel.

Another variation of the invention includes methods and devices for determining whether a blood vessel is in proximity to a potential site. Making this determination prior to creating the channel is advantageous as the risk of puncturing a blood vessel is minimized. As mentioned above, non-invasive imaging may be used to locate blood vessels or to confirm the absence of a vessel at a site. Figure 2G illustrates an example of this variation of the device 226 having a single sensor 228. The device may be, but is not necessarily, steerable and rotatable such that the sensor 228 can be placed in contact with any portion of the airway 100 wall. In non-steerable variations, the device may be located to a site by the use of an endoscope. The device 226 may also be stiff so that the sensor

228 may be placed in firm contact with a wall of the airway 100. It is important that the device does not 'wander' causing the creation of a collateral channel at a distance from the area originally searched. Such an occurrence may compromise a blood vessel (e.g., puncture, rupture, or otherwise open the blood vessel) even though the step of detecting the location indicated the absence of a blood vessel. In those cases, a stiffer wall provides added benefits.

Another variation of the invention includes inserting a fluid into the airway to provide a medium for the sensor 228 couple to the wall of the airway 100 to detect blood vessels. In those cases where fluid is not inserted, the device may use mucus found within the airway to directly couple the sensor 228 to the wall of the airway 100.

Figure 2H illustrates another variation of the inventive device 230 having a plurality of sensors 228 arranged in an array pattern. Although not shown, the array could extend around the circumference of the device 230. Figure 2I illustrates yet another variation of the inventive device. In this example, the device 232 comprises a plurality of sensors 228 arranged in a linear pattern. Although not shown, the pattern may also wind helically or in other patterns around the perimeter of the device 232.

Figure 2J illustrates another variation of the invention. In this example, the device 234 comprises a sensor 228 encapsulated by an expandable member 236 e.g., a balloon. The expandable member 236 may be filled with a fluid or other substance that couples the sensor 228 to an outer surface of the expandable member 236. The sensor 228 may be rotatable within the expandable member 236, or the entire device 234 may be rotatable within the airway 100. Another variation of the device 234 includes a mark 238 which provides a reference for orientation of the device 234 in the airway 100. The mark 238 is preferably remotely detectable and may be positioned on the expandable member 236.

Another variation of the invention includes a means for marking the site. This variation of the device allows marking of the site after it is located. Accordingly, once marked, a previously selected site can be located without the need to re-examine the surrounding area for collateral ventilation, or the presence or absence of a blood vessel. The marking may be accomplished by the deposit of a remotely detectable marker, dye, or ink. Or, the marking may comprise making a physical mark on the surface of the airway to designate the site. Preferably, the mark is detectable by such imaging methods as radiography, computer tomography (CT) imaging, ultrasound imaging, doppler imaging,

acoustical detection, or thermal detection or locating. Also, the mark may be detectable by direct visualization such as the case when a fiber optic cable is used. Figure 2K illustrates an example of the device 240 having a sensor 228 to locate a site and a marking lumen 242 which may deposit an ink, dye, or other marker (not shown) on the site once located.

5           Although not illustrated, the invention may include a user interface which provides feedback once an acceptable site is located. For example, once a site is located a visual or audible signal or image is transmitted to the user interface to alert the user of the location of a potential site. The signal could be triggered once a blood vessel is located so that the site is selected in another location. In another example, the signal may trigger so long as a  
10           blood vessel is not located.

          Figures 3A-3I depict various ways of providing openings in the airway wall which may be used as collateral air passageways.

          Figure 3A illustrates an airway 100 having a piercing member 300 and a dilation member 302. In this example, the piercing member 300 makes an incision (not shown) in  
15           the airway 100 wall. Next, the piercing member 300 is advanced into the wall so that a dilation member 300 can expand the incision to thereby provide a collateral channel. In this example, the dilation member 300 is depicted as a balloon. One variation of the invention includes filling a balloon with a heated fluid as the balloon dilates the tissue to form the collateral channel. Use of a heated balloon allows the transfer of heat to the  
20           collateral channel for modifying the healing response. However, it is also contemplated that the dilation member may be an expanding wedge (not shown) or other similar device.

          Figure 3B shows a cutting device 304 and an airway 100 having an opening 306 cut from a wall. In this example, a flap 308 is cut from the wall and is attached to an outside or an inside wall of the airway 100. As will be mentioned below, the flap may be glued, using  
25           for instance, fibrin-based or cyano-acrylate-based glues or stapled to that wall.

          Figure 3C illustrates a cutter 304 making an incision 310 in a wall of the airway 100. Figure 3D illustrates one example of placing the walls of the airway 100 in tension and inserting a blunt instrument 314 into the incision. In this example, the delivery device 312 is flexible and may be shaped to the contour of an airway 100 to provide support for  
30           the blunt instrument 314 so that the instrument 314 can advance into the incision.. The delivery device 312 is also used to deliver a blunt instrument 314 which expands the original incision. The blunt instrument 314 may have a hooked configuration as needed.



Figure 3E shows the use of a balloon 320 to dilate a previously formed collateral channel in the airway wall 100. This procedure may be used variously with other mechanical, chemical, cryo-energy or RF based penetration systems to expand the size of that previously-formed opening.

5        Figure 3F illustrates a variation of the device 322 having an RF electrode 324. This variation of the invention uses RF energy to create a collateral channel. The device 322 may be mono-polar or bi-polar. The RF energy throughout this invention is similar to that of a typical RF cutting probe operating between the 300KHz-600KHz range.

10        Figure 3G-3I illustrates additional variations of devices of the present invention used to create collateral channels. The devices may use RF energy, either monopolar or bipolar, or the devices may use light, infrared heat, or any of the other methods describe herein. In the variation of figure 3G, the device 328 has an electrode 324 located on a side of the device. This variation of the device 328 automatically limits the depth of the collateral channel as the body of the device 328 remains against an airway 100 wall while  
15        the electrode 324 creates a channel.

      Figure 3H and 3I illustrates another variation of a device 330 of the present invention having an electrode 324 located on a front face of the device. Figure 3I illustrates a perspective view of the device 330 with an electrode on the front face 324. The device 330 may either have an electrode 324 disposed on a front surface of the device 330  
20        or the device may comprise a conductive material with an insulating layer 332 covering the device 330 and leaving an electrode surface 324 exposed. In the variations illustrated in figures 3G-3I, the size of the electrode may be selected based upon the size of the desired collateral channel.

      The device of the present invention may also be configured to limit the depth of the  
25        collateral channel. In one example, the invention may include a shoulder or stop 326 to limit the depth of the collateral channel. Another example includes graduated index markings on a proximal end of the device or on the distal end so long as they are remotely detectable. Also contemplated is the use of RF impedance measuring. In this example, the use of RF impedance may be used to determine when the device leaves the wall of the  
30        airway and enters the air sac or less dense lung tissue.

      The invention also includes creating a collateral channel by making a single or a series of incisions in an airway wall then folding back the cut tissue through the collateral

channel. This procedure allows the surface epithelium which was previously on the inside of the airway wall to cover the walls of the newly formed collateral channel. As discussed herein, promoting growth of the epithelium over the walls of the collateral channel provides a beneficial healing response. The incision may be created by the use of heat or a mechanical surface. For example, Figure 3J illustrates a section of an airway 100 having several incisions 356 forming a number of sections 358 of airway wall tissue the airway 100. Figure 3K illustrates the sections or flaps 358 of the airway wall folded through the collateral channel 112. Any number of incisions 358 may be made to form any number of sections 358 of airway wall tissue as desired. For example, a plus-shaped incision would result in four sections of tissue that may be folded through a channel. The sections 358 may be affixed with a suture material, an adhesive, or the sections 358 may simply be inserted into surrounding tissue to remain folded through the collateral channel 112.

Another variation of the device includes safety features such as probes to determine the presence of blood. If a probe indicates that a blood vessel is contacted or penetrated, a signal is sent which prevents the channel making device from causing further harm to the vessel. Such a feature minimizes the risk of inadvertently puncturing a blood vessel within the lungs.

Although the examples depict mechanically forming a collateral opening, the invention is not limited to such. Alternative methods of forming the opening are contemplated in the use of RF energy, bi-polar, or single pole electrosurgical cutters, ultrasonic energy, laser, microwave, cryo-energy or chemicals.

The present invention includes the use of a device which is able to detect the presence or absence of a blood vessel by placing a front portion of the device in contact with tissue. One variation of the invention includes the use of Doppler ultrasound to detect the presence of blood vessels within tissue. It is known that sound waves at ultrasonic frequencies travel through tissue and reflect off of objects where density gradients exist. In which case the reflected signal and the transmitted signal will have the same frequency. Alternatively, in the case where the signal is reflected from the blood cells moving through a blood vessel, the reflected signal will have a shift in frequency from the transmitted signal. This shift is known as a Doppler shift. Furthermore, the frequency of the signals may be changed from ultrasonic to a frequency that is detectable within the range of human hearing.

The ultrasound Doppler operates at any frequency in the ultrasound range but preferably between 2Mhz-30Mhz. It is generally known that higher frequencies provide better the resolution while lower frequencies offer better penetration of tissue. In the present invention, because location of blood vessels does not require actual imaging, there may be a balance obtained between the need for resolution and for penetration of tissue. Accordingly, an intermediate frequency may be used (e.g., around 8 Mhz).

Figure 6A illustrates a variation of a device 600 adapted to determine the presence of blood vessels as previously mentioned. The device 600 includes a flexible elongate member 604 having a transducer assembly 606, at least a portion of which is located adjacent to a distal end of the elongate member 604. Although the elongate member 604 is illustrated as having a lumen, the elongate member 604 may also be selected to be solid, or the elongate member 604 may have a support member (not shown) such as a braid to increase the strength and/or maneuverability of the device. The transducer assembly 606 is adapted to generate a source signal and receive a reflected signal. It may use a single transducer or multiple transducers. For example, at least a first transducer may be used to generate a signal and at least a second transducer may be used to receive the signal.

The transducer or transducers use may comprise a piezo-ceramic crystal. In the current invention, a single-crystal piezo (SCP) is preferred, but the invention does not exclude the use of other types of ferroelectric material such as poly-crystalline ceramic piezos, polymer piezos, or polymer composites. The substrate, typically made from piezoelectric single crystals (SCP) or ceramics such as PZT, PLZT, PMN, PMN-PT. Also, the crystal may be a multi layer composite of a ceramic piezoelectric material. Piezoelectric polymers such as PVDF may also be used. The transducer or transducers used may be ceramic pieces coated with a conductive coating, such as gold. Other conductive coatings include sputtered metal, metals, or alloys, such as a member of the Platinum Group of the Periodic Table (Ru, Rh, Pd, Re, Os, Ir, and Pt) or gold. Titanium (Ti) is also especially suitable. For example, the transducer may be further coated with a biocompatible layer such as Parylene or Parylene C. . The transducer is then bonded on the lens. A coupling such as a biocompatible epoxy may be used to bond the transducer to the lens. The transducer assembly 606 communicates with an analyzing device 602 adapted to recognize the reflected signal or measure the Doppler shift between the signals. As mentioned above, the source signal may be reflected by changes in density between

tissue. In such a case, the reflected signal will have the same frequency as the transmitted signal. When the source signal is reflected from blood moving within the vessel, the reflected signal has a different frequency than that of the source signal. This Doppler effect permits determination of the presence or absence of a blood vessel within tissue. Although depicted as being external to the device 600, it is contemplated that the analyzing device 602 may alternatively be incorporated into the device 600. The transducer assembly of the invention is intended to include any transducer assembly that allows for the observation of Doppler effect, e.g., ultrasound, light, sound etc. The device 600 illustrated in figure 6A includes a transducer assembly 606 comprising an ultrasound transducer 608 and an acoustic lens 610 that is adapted to refract and disperse a source signal over an outer surface of the lens 610. The lens 610 is designed such that it interferes and redirects the signals in a desired direction. The lens 610 may be comprised of materials such as dimethyl pentene (plastic-TPX), aluminum, carbon aerogel, polycarbonate (e.g., lexan), polystyrene, etc. It also may be desirable to place an epoxy between the lens 610 and the transducer 608. Preferably, the epoxy is thin and applied without air gaps or pockets. Also, the density/hardness of the epoxy should provide for transmission of the signal while minimizing any effect or change to the source signal. The configuration of the transducer assembly 606 permits the lens 610 to disperse a signal over a substantial portion of the outer surface of the lens 610. The lens 610 also is adapted to refract a reflected signal towards the transducer 608. Accordingly, given the above described configuration, the device 600 of figure 6A will be able to detect vessels with any part of the lens 610 that contacts tissue (as illustrated by the line 612-612.) Although the lens 610 is illustrated as being hemispherical, as described below, the lens 610 may have other shapes as well.

Figure 6B illustrates another variation of the device 614 having a hemispherical shaped ultrasound transducer 618 affixed to an end of a flexible elongate member 616. The transducer 618 communicates with an analyzing device (not shown) to measure the Doppler effect to determine the location of a blood vessel.

Figure 6C illustrates another variation of the device 620 including a transducer assembly 622, at least a portion of which is located adjacent to a distal end of the elongate member 628. The transducer assembly 622 includes a flat ultrasound transducer 626, and a cone or wedge-like acoustic mirror 624. The mirror 624 is adapted to reflect the signal

over an area 360° around the device. The angle  $\alpha$  of the mirror may be varied to optimally direct the signal as needed.

Figure 6D illustrates a variation of a device 630 of the present invention further comprising a joint 632 to articulate an end of the device either to make sufficient contact  
5 with an area of tissue to be inspected for the presence of a blood vessel, or to navigate within the body to access the area to be inspected.

The variations of the invention described herein may also be adapted to use ultrasound energy, for example, high energy ultrasound, to produce openings in or marks on tissue. In such a case, the transducer assembly and acoustic lens also functions as a  
10 hole-making or site marking device. In this case, use of ultrasound in a low power operation permits the detection of a blood vessel and location of a site for a collateral channel. Using the same device and switching the operation of the device to a high power ultrasound permits the use of the ultrasound to create a collateral channel.

Figure 6E illustrates a variation of a device 632 comprising a transducer assembly  
15 634 connected to a flexible elongate member 636. In this example, the transducer assembly 634 comprises a first transducer 641, a second transducer 642, and an acoustic lens 640. As mentioned above, in variations using alternate transducers 641, 642, one transducer may transmit a signal while the other receives a signal. Also, both transducers 641, 642 may simultaneously transmit and receive signals. It is intended that any combination of using  
20 the transducers to send and receive signals is contemplated. The device 632 also includes a hole-making assembly 638 for creating a channel in tissue. Figure 6E illustrates the hole-making assembly 638 as an RF wire-like member. As illustrated, the device 632 is connected an RF generator 644 as well as an analyzing device 646 which is adapted to measure the Doppler shift between the generated and reflected signals.

Figure 6F illustrates the device 632 of Figure 6E where the hole-making assembly  
25 638 is retracted within the device 632, in this case within the elongated member 636.

Figure 6G illustrates another variation of a device 648 where a hole-making assembly 650 is exterior to a transducer assembly 606. The hole-making assembly 650 may be either an RF device or a mechanical device that simply cuts the tissue. For  
30 example, the hole making assembly 650 can be a hypotube placed over the transducer assembly 606. In this variation of the device 648, the transducer assembly 606 may be moveable within the hole-making assembly 650, or the hole-making assembly 650 may be

moveable over the transducer assembly 606. In either case, the transducer assembly 606 may be advanced out of the hole-making assembly 650 to determine the presence of a blood vessel. If no blood vessel is found, the transducer assembly 606 may be withdrawn into the hole-making assembly 650 allowing the hole-making assembly 650 to create a  
5 channel in the tissue either by mechanically cutting the tissue, or by using RF energy to create the channel. Figure 6H illustrates a view taken along the line 6H in Figure 6G.

Figure 6I illustrates another version of a device 652 of the present invention wherein the device has a transducer assembly 654 with an opening 658 through which a hole-making assembly 656 may extend. Figure 6J illustrates the hole-making assembly  
10 656 extended through the transducer assembly 654. The hole-making assembly 656 may comprise RF electrodes or needle-like members which puncture the tissue to create the channels.

Figure 6K illustrates a variation of a device 666 of the present invention where a tip 660 of the device has a conductive portion allowing the tip to serve as both an acoustic lens and an RF electrode. In such a case, the tip 660 is connected to an RF generator 644 for  
15 creating channels within tissue and a transducer 662 is placed in communication with an analyzing device 646 that is adapted to measure the Doppler shift between generated and reflected signals. In this variation, the tip 660 is separated from the transducer 662, but both the tip 660 and transducer 662 are in acoustic communication through the use of a  
20 separation medium 664. The separation medium 664 transmits signals between the tip 660 and the transducer 662. The spacing of the transducer 662 from the tip 660 serves to prevent heat or RF energy from damaging the transducer 662. It is intended that the spacing between the transducer 662 and tip 662 shown in the figures is for illustration purposes only. Accordingly, the spacing may vary as needed. The separation medium  
25 must have acceptable ultrasound transmission properties and may also serve to provide additional thermal insulation as well. For example, an epoxy may be used for the separation medium.

Figure 6L illustrates a variation of a device 680 of the present invention wherein the transducer assembly 670 comprises a tip 672, an ultrasound coupling medium 674, a  
30 transducer 676, and an extension member 678. In this variation of the invention, the tip 672 of the device serves as an acoustic lens and also has conductive areas (not shown) which serve as RF electrodes. As shown in Figure 6M, the tip 672 may extend from the

device 680 and separate from the transducer 676. Separation of the tip 672 protects the transducer 676 from heat or RF energy as the tip 672 creates a channel in tissue. The extension member 678 may serve as a conductor to connect the tip 672 to an RF energy supply (not shown). When the tip 672 of the device 680 is being used in an ultrasound mode, the tip 672 may be coupled to the transducer 676 via the use of an ultrasound coupling medium 674. Any standard type of ultrasound gel material may be used, also highly formable silicone may be used. It is desirable to use a fluid boundary layer (such as the gel) which may be permanent or temporary. In those cases where the boundary layer is temporary, subsequent applications of the boundary layer may be necessary.

Figure 6N illustrates another variation of a device 682 of the present invention having a tip 684 and transducer 686 that are separable from each other. Again, the tip 684 may include conductive areas and serve as both an RF electrode (not shown) as well as an acoustic lens. As shown in Figure 6N, the tip 684 may be separable from the transducer 686 when creating a channel to protect the transducer 686 from heat or RF energy. The tip 684 may be placed in contact with the transducer 686 for operation in an ultrasound mode, or the device 682 may contain a separation medium 688 which permits acoustic coupling of the transducer 686 with the tip 684 when separated.

Figures 6P-6U illustrate variations of RF electrode tip 690 configurations for use with the present invention. As illustrated, the electrodes may be placed around a circumference of a tip, longitudinal along a tip, spirally along a tip, or a combination thereof. The electrodes 692, 694 may be used with a device having an acoustic lens or the electrodes may be employed solely as an RF hole-making device. While the variations illustrated in Figures 6P-6U show bipolar RF devices, the invention may also use a single electrode (monopolar.) The tip 690 may contain a first electrode 692 separated from a second electrode 694 by an electrical insulator 696 (e.g., ceramic, or plastic insulator). In variations of the device where electrodes are positioned on an acoustic lens, a sufficient amount of surface area of the lens must remain uncovered so that sufficient coupling remains for transmission of a signal between the lens and tissue. Figure 6V illustrates a coaxial variation of a bi-polar RF tip having a first electrode 692, a second electrode 694, and an insulator 696.

Figure 6W and 6X illustrates additional variations of the lens of the present invention. Figure 6W illustrates a device 724 with an acoustic lens 726 having an oblate

spheroid shape. Figure 6X illustrates a device 728 with an acoustic lens 730 having a prolate spheroid shape. Figure 6Y illustrates a device 732 having a conical-shaped acoustic lens 734. These variations are only intended to illustrate variations of the lens. It is contemplated that the shape of a lens may not follow a mathematical description such as conical, prolate, oblate or hemispherical. The design of the shape relates to the distribution pattern of the signal over the lens. The shapes can affect the distribution pattern by making it wider or narrower as needed. In any case, the lens is of a shape that provides coverage over the front face of the device.

Figure 7A illustrates a variation of the invention where a device 700 includes a heat-sink member 702. The heat-sink member 702 may preserve surround tissue during creation of the collateral channel. Or, the heat-sink member 702 may be a section of conductive material or a balloon. The heat-sink member 702 may be in fluid communication with a lumen 704 that provides a fluid, such as saline, that conducts heat away from the area surrounding the channel.

Figure 7B illustrates another variation of a device 710 having a fluid delivery assembly 706 which assists in preserving surrounding tissue while a channel is being created. The fluid delivery assembly 706 may spray, mist, or otherwise apply fluid 708 to the area surrounding the channel. For example, cooled saline may be applied to the area to prevent excessive heating of the target area.

The invention includes the use of hole-making assembly on the side of the device with a transducer assembly on the tip of the device. For example, Figure 7C illustrates a variation of an RF electrode 712 for use with the present invention. The electrode 712 may be a protrusion extending from a conductive member 716 that is covered with an insulating material 714. In this variation, the electrode 716 limits the depth of the channel due to the amount of material extending from the conductive member 716. The conductive member 716 may be connected to a source of RF energy (not shown) or may use another heating element (not shown). Figure 7D illustrates another variation of an electrode configuration. In this variation, the electrode comprises a spherical member 718 extending from an elongate member 722. The electrode 718 is retractable through the elongate member 722 by use of an actuator 720. The actuator 720 may be conductive and connected to a source of RF energy to conduct energy through the electrode 718. Again, the design of the electrode 718 limits the depth of penetration of the electrode 718 while creating a channel



in tissue. The electrodes described herein may also be used in conjunction with a device having a Doppler arrangement.

Also, a variation of the invention contemplates the delivery of drugs or medicines to the area of the collateral opening. Also contemplated is the use of a fibrin, cyano-acrylate, or any other bio-compatible adhesive to maintain the patency of the opening. For example, the adhesive could be deposited within the collateral channel to maintain patency of the channel or to create a cast implant of the channel. The adhesive could also coat the channel, or glue a flap to the wall of the airway. Also, the use of a bioabsorbable material may promote the growth of epithelium on the walls of the conduit. For example, covering the walls of a channel with small intestine submucosa, or other bioabsorbable material, may promote epithelium growth with the bioabsorbable material eventually being absorbed into the body.

Figure 4 illustrates a variation of a device 400 having the ability to create multiple openings within the walls of the natural airway 100. The holes may be created by dilation, cutting, electrical energy, microwave energy, ultrasonic energy, laser, chemical, or any process as mentioned above. This device 400 may also be used to deploy multiple probes to determine the location of a blood vessel (not shown) using one of the procedures mentioned above.

Figure 5A illustrates an implant or conduit 500 placed within a natural airway 100. As shown, the airway 100 has a portion of its wall removed, thereby providing a collateral opening 112 within the airway 100. The implant 500 typically has a porous structure which allows gasses to pass between the airway and the channels 112 and into the lung. Moreover, the structure of the insert 500 also maintains patency of the airway 100 and the channel 112.

Any variation of a conduit described herein may comprise a barrier layer which is impermeable to tissue. This aspect of the invention prevents tissue in-growth from occluding the channel. The barrier layer may extend between the ends of the body or the barrier layer may extend over a single portion or discrete portions of the body of the conduit.

Figure 5B illustrates an conduit 500 having an expandable structure within an airway 100. Usually, the conduit 500 has a porous wall that allows the passage of gasses through the wall. The conduit 500 is delivered via a delivery device 502 which may also

contain an expandable member (not shown) which expands the conduit 500. As shown in figure 5C, the conduit may have piercing members 504 attached on an outer surface which enable the conduit 500 to create an incision within the airway 100.

5 Figure 5C illustrates the conduit 500 after being expanded by an expandable member 506, e.g. a balloon device, an expandable mechanical basket, or an expandable wedge. In this example, the conduit 500 expands through the walls of the airway 100 at sections 508. In this variation, the conduit 500 is lodged within the walls of the airway 100.

10 Figure 5D illustrates a grommet-like insert 503 where the lumen of the insert 503 extends longitudinally through the collateral channel. In this example, an expanding member 501, e.g., a balloon, an expanding mechanical basket, or the like is used to secure the conduit 503 within the collateral channel.

Although not illustrated, the invention includes conduits having a length to diameter ratio approximately 1:1. However, this ratio may be varied as required. The cross-section of an implant may be circular, oval, rectangular, elliptical, or any other multi-faceted or curved shape as required. The cross-sectional area of an implant 500 may be 15 between 0.196 mm<sup>2</sup> to 254 mm<sup>2</sup>.

The conduit may also be any device capable of maintaining a patent opening, e.g., a plug, that is temporarily used as a conduit and then removed after the channel has healed in an open position. In another variation the plug may be a solid plug without an opening that 20 is either bio-absorbable or removable. In such a case, the plug may be placed within an opening in tissue and allow the tissue to heal forming a collateral channel with the plug being ultimately absorbed into the body or removed from the body.

Another variation of the conduit is illustrated in figure 5E. In this example the 25 conduit 510 comprises a cone 514 with a grommet 512 for attachment to a wall of the airway 100. The cone 514 may be porous or have other openings 516 to facilitate the passage of gas through the collateral channel. In the event that the distal opening of the cone become occluded, the porous cone permits the continued exchange of gasses between the collateral channel and the natural airway.

30 Another variation of the conduit is illustrated in figure 5F. For example, the conduit 518 may be configured in a 't-shape' with a portion 520 of the conduit extending through the collateral channel. Again, the conduit 518 may be constructed to have a porous wall to

allow gas exchange through the wall. The conduit may be configured in a variety of shapes so long as a portion of the conduit extends through the collateral channel. The portion may be formed into a particular shape, such as the 't-shape' described above, or, the portion may be hinged so that it may be deployed within the channel. In such a case, a portion of a wall  
5 of the conduit may have a hinge allowing the wall of the conduit to swivel into a channel.

Yet another variation of the conduit is found in figure 5G. In this example, the conduit 522 is constructed with a geometry that reduces the chance that the conduit 522 will migrate within the airway 100.

Figure 5H illustrates an example of a conduit 524 having an asymmetrical profile.  
10 The conduit 524 may have a flange 526 at either or both ends of the body 528. Although not shown, the flange 526 may have a cone-like profile to facilitate placement within an airway. As illustrated in figure 5J, the asymmetrical profile of the conduit 524 assists in preventing obstruction of the airway.

Figure 5K illustrate a variation of the conduit 530 having a self-cleaning  
15 mechanism. In this example, the self cleaning mechanism is a floating ball bearing 532. The ends of the conduit 530 have a reduced diameter 534 which prevents the bearing 532 from escaping. As gas passes through the conduit 530, the bearing 532 moves about the conduit 530 clearing it of debris. The shape of the bearing 532 and the size and shape of the reduced diameter 534 may be varied to optimize the self-cleaning effect of the device.

Figure 5L and 5M illustrate another variations of a self-expanding conduit 536. In  
20 this example, as shown in figure 5L, the conduit 536 may be constructed from a flat material 538 having a spring or springs 540. As shown in figure 5M, the conduit 536 is formed by rolling the assembly. The spring 540 provides an expanding force against the material 538. The conduit 536 may also be constructed so that the flat material 538 is  
25 resilient thus eliminating the need for springs 540.

Figure 5N illustrates another variation of an expandable conduit 542 constructed from a braided material. The conduit 542 may be constructed so that the diameter is dependent upon the length of the device 542. For example, the diameter of the device 542 may decrease as the length is stretched, and the diameter may increase as the length of the  
30 device 542 is compressed. Such a construction being similar to a 'finger cuff' toy.

Figures 5O-5Q illustrate another variation of a grommet-type conduit. Figure 5O illustrates a conduit 544 having expandable ends 546. In one variation the ends 546 of the

device 544 may flare outwards as illustrated in figure 5P. Figure 5O illustrates another variation of the device 544 in which the ends 546 compress in length to expand in diameter.

Figures 5R and 5S illustrate variations of a conduit having an anchor. In figure 5R, the conduit 548 has an anchor 550 at a distal end of a hollow plug 540. The anchor 550  
5 may be tapered to facilitate entry into the airway 100 wall or may have another design as required. The anchor 550 also contains ventilation openings 552 to facilitate gas exchange through the device. Figure 5S illustrates another variation of the device.

Figure 5T illustrates a variation of a conduit 561 having flanges 563 at either end to assist in placement of the conduit within an airway wall (not shown). The ends of the  
10 conduit 565 may be tapered to ease placement through a collateral channel. The conduit has an opening 565 to facilitate passage of air. To simplify construction, the conduit 561 may be constructed from a biocompatible material, such as stainless steel, or plastic.

Figure 5U illustrates a variation of the invention having multiple openings for gas flow. The conduit 560 has a first hollow end 564 which can extend through a wall of the  
15 airway 100 and a second hollow end 566 which can remain parallel to the airway 100. This example also includes an opening 562 which allows gas to flow through the airway 100.

Figure 5V illustrates a variation of the device having a one-way valve 570. The valve 570 allows the conduit 568 to permit exhaust of the air sac but prevents the conduit 568 from serving as another entrance of gas to the air-sac. The valve 570 may be placed at  
20 ends of the conduit or within a lumen of the conduit. The valve 570 may also be used as bacterial in-flow protection for the lungs.

Figure 5W illustrates another variation of a conduit 572. In this variation, the conduit 572 may be a sponge material, or constructed of an open cell material 574, which allows air flow through the material. Or, the conduit 572 may have lumens 576 which  
25 allow flow through the conduit 572. To assist the conduit 572 in remaining within a channel, the conduit material may be selected such that it expands as it absorbs moisture. Also, the sponge material/open cell material may be bio-absorbable to allow for temporary placement of the conduit 572.

Figures 8A-8F illustrate another variation of a conduit 800 of the present invention.  
30 The conduit 800 has a center section 802 having extension members 804 located at either end of the center section 802. The center section 802 illustrated is tubular but may be of any other shape as needed for the particular application. The conduit of the invention has a

passageway extending between the ends of the conduit suited for the passage of air. The variation of the conduit **800** illustrated in Figure 8A has a center section **802** comprising a mesh formed from a plurality of ribs **806**. Figure 8A and 8B illustrate the conduit **800** in a reduced profile while Figure 8C and 8D illustrate the conduit **800** in an expanded profile after expansion of the center section **802** of the conduit **800**. As shown in Figures 8E and 8F, each free end **808** of each extension member **804** is unattached to the center section **802** and is bendable about the respective end of the center section **802** to which it is attached. Accordingly, once a conduit **800** is placed within a collateral channel (not shown), the extension members **804** are bent about the end of the center section **802** and form a cuff or grommet which assists in keeping the conduit **800** within a collateral channel. Accordingly, the cross section and number of extension members **804** located about either end of the conduit **800** may be selected as necessary to assist in placement and securing of the conduit **800** within a channel.

The conduits described herein may have a fluid-tight covering, as discussed below, about the center section, the extension members, or the entire conduit. Also, the conduit may be designed to limit a length of the center section to less than twice the square root of a cross sectional area of the center section when the center section is in the expanded profile.

Figure 8G-8I illustrates another variation of a conduit **812** for use with the invention. In this variation, the conduit **812** is formed from a rolled sheet of material **810**. The rolled sheet **810** may be heat treated to preserve the shape of the conduit **812** or the sheet **810** may simply be rolled to form the conduit **812**. In those cases where the sheet of material **810** comprises a shape-memory alloy, it is desirable to process the material **810** so that it exhibits super-elastic properties at or above body temperature.

Figure 8G illustrates a variation of extension members **820** for use with a conduit (not shown) of the present invention. In this variation, the extension members **820** have an attachment **822** between adjacent extension members **820**. Figure 8H illustrates the extension members **820** as the conduit (not shown) is expanded and the extension members **820** are bent on the conduit. The attachment **822** assists in preventing the extension members **820** from deviating from a preferred position. As illustrated in Figure 8I, the conduit **826** may have cut or weakened sections **824** to facilitate expansion of the conduit

826 and bending of the extension members in a desired manner (as shown by the section of 828).

Figures 8J-8K illustrate various additional cross sectional designs of conduits.

Figure 8J illustrates a possible conduit design 830 having extension members 834 attached to a center section 832. Figures 8K and 8L illustrate additional variations of conduit designs. As illustrated in Figures 8K and 8L, the extension members 840, 846 and center sections 838, 844 are designed to form a diamond pattern upon expansion of the conduit. Figure 8K further illustrates a variation of an extension member 840 having an opening 841 to facilitate tissue in-growth and thereby secures placement of the conduit. Figure 8M illustrates an expanded conduit 848 having the diamond pattern referred to above. The conduit 848 also contains a fluid-tight barrier 851 on the center section 850 of the conduit 848. Although not illustrated, fluid-tight barrier may be placed throughout a conduit. Another feature of the variation of Figure 8M is that the extension members have a diamond pattern construction, this construction assists in maintaining alignment of the extension members allowing for a preferred aligned expansion of the extension members.

Figures 8N-8O illustrate another variation of a conduit 860 of the present invention. In this variation, the conduit design 854 may have extension members 856 at only one end of the conduit 860. In this variation, the center section of the conduit may comprise a body portion 858. The conduit 860 may have a covering about a portion of the conduit 860. The covering may extend throughout the length of the conduit 860 or it may be limited to a portion of the conduit 860. As illustrated in Figure 8O, when expanded, the conduit 860 may form a reduced area 858 near the extension members 856. As mentioned above, the conduit cross section 854 may be designed such that the a diamond pattern is formed upon expansion of the conduit 860, as illustrated in Figure 8O.

Figure 8P illustrates a sheet of material 810 having extension members 814 extending from either end of the sheet 810. Although the sheet 810 is illustrated to be solid, a conduit may be formed from a sheet having openings within the center section of the sheet. Figure 8Q illustrates the conduit 812 where the rolled sheet 810 comprises a center section 818 of the conduit 812 and the extension members 814 from either end of the center section 818. As illustrated in Figure 8Q, the sheet 810 may be overlapped for a reduced profile and expanded into an expanded profile. Figure 8R illustrates a free end 816 of each extension member 814 as having been bent away from a central axis of the conduit

812. As with any variation of a conduit of the present invention, the extension members 814 of the conduit 812 may be bent away from a central axis of the conduit 812 up to 180° with respect to the central axis. As mentioned above, the cross section and number of extension members 814 located about either end of the conduit 810 may be selected as necessary to assist in placement and securing of the conduit 810 within a channel.

In those cases where the conduit 812 of figure 8Q comprises a non-shape memory alloy the conduit 812 will be actively mechanically expanded. In those cases where the conduit 812 is comprised of a shape memory alloy, such as a super-elastic alloy, the conduit 812 may be pre-formed to assume a deployed shape which includes a grommet formed by extension members 814 and an expanded center section 818, such as the shape illustrated in Figure 8R. Next, the super-elastic conduit 812 may be restrained or even rolled into the shape illustrated in Figure 8Q. Because the conduit 812 is formed of a super-elastic material, no plastic deformation occurs. When the super-elastic conduit 812 is then placed within a collateral channel, the conduit 812 may naturally resume its pre-formed, deployed shape.

Figure 8S illustrates another variation of a conduit 862 having a first portion 864 and a second portion 866 and a passageway 868 extending therethrough. The first portion 864 may be a conduit design as described herein. In particular, the first portion 864 is configured to secure the conduit 862 to the airway wall 100. Accordingly, the first portion 864 may or may not have a center that is expandable. The walls of the first portion 864 may be fluid-tight (either through design, or a fluid tight covering) to prevent tissue in-growth through the collateral channel. Alternatively, the first portion 864 may be partially fluid-tight to facilitate tissue in-growth to improve retention of the conduit 862 to the airway wall 100. However, in the latter case, the first portion 864 should be designed to minimize tissue in-growth within the channel to prevent substantial interference with airflow through the conduit 864. As with the first portion 864, the walls of the second portion 866 of the conduit may or may not be fluid-tight. If the second portion 866 is not fluid-tight, the larger area provides for improved airflow from lung tissue through the passageway 868 and into the airway. The second portion 866 may also be designed to be partially fluid-tight to encourage airflow through the conduit 862 but reduce the probability of blockage of the conduit 862.

Figures 8T-8U illustrate another variation of a conduit 870. For example, the conduit 870 may be formed from a tube that is slit to form extension members at a first portion 872 and second portion 876 with a center section 874 between the portions. The conduit 870 may be expanded as shown in Figure 8U such that the first 872 and second 876 portions maintain the center portion 874 in a collateral channel in an airway wall. The center section 874 may or may not be expandable.

Figure 8U illustrates the second portion 876 of the conduit 870 to expand in its center, however, the conduit 870 may be designed in other configuration as well (e.g., expanded to have a larger diameter at an end opposite to the center section 874.) However, a central aspect of this design is that the second portion 870 provides a large area in the lung tissue to permit a larger volume of air to pass from the lung tissue into the conduit 870. This design has an added benefit as the second portion 876 cannot be easily blocked by flaps of parenchyma tissue. A simple variation of the conduit 870 may be constructed from a metal tube, such as 316 stainless steel, titanium, titanium alloy, nitinol, etc. Alternatively, the conduit may be formed from a rigid or elastomeric material.

The conduits described herein may be comprised of a metallic material (e.g., stainless steel), a shape memory alloy, a super-elastic alloy (e.g., a NiTi alloy), a shape memory polymer, a polymeric material or a combination thereof. The conduit may be designed such that its natural state is an expanded state and it is restrained into a reduced profile, or, the conduit may be expanded into its expanded state by a variety of devices (e.g., a balloon catheter.) The conduit described herein may be manufactured by a variety of manufacturing processes including but not limited to laser cutting, chemical etching, punching, stamping, etc.

The conduits described herein may be coated with an elastomer, e.g., silicone, polyurethane, etc. The coatings may be applied, for example, by either dip coating, molding, or liquid injection molding (for silicone). Or, the coating may be a tube of a material and the tube is placed either over and/or within the conduit. The coating(s) may then be bonded, crimp, heated, melted, or shrink fit. The coatings may also be placed on the conduit by either solvent swelling applications or by an extrusion process. Also, a coating of may be applied by either wrapping a sheet of PTFE about and/or within the conduit, or by placing a tube about and/or within the conduit and securing the tubes.



As mentioned above, the number of and cross sectional area of the extension members on a conduit may be selected as needed for the particular application. Also, the extension members may be bent such that they anchor into the tissue thereby securing placement of the conduit. Or, the extension members or the center section may contain  
5 barbs or other similar configurations to better adhere to the tissue. Moreover, the orientation of the extension members may vary as well. For example, the extension members may be configured to be radially expanding from the center section, or they may be angled with respect to a central axis of the conduit. Another variation of the invention includes a radioactive conduit which inhibits or prevents the growth of tissue within the  
10 conduit.

Although the conduits of the current invention have been described to contain expandable center sections, the invention is not necessarily limited as such. Instead, the design of the conduit may require extension members on the ends of a conduit with a non-expandable center section.

15 Figures 9A-9D illustrate a conduit 900 of the present invention. The deployment of the conduit 900 is intended to show an example of a possible means of deployment only. Accordingly, the inventive conduit may be delivered at an angle via an articulating or jointed device, the conduit may be delivered on a device that is adapted to locate and create the collateral channel, or the conduit may be delivered on a device having other features as  
20 needed for the particular application.

Figure 9A illustrates the conduit 900 being delivered to a collateral channel in an airway wall 114 via a delivery device (e.g., a balloon catheter 902.) The conduit 900 may be attached to the delivery device 902 using the natural resiliency of the conduit 900. Or, in those cases where the conduit is spring loaded, the conduit 900 restrained in a reduced  
25 profile and may be removably affixed to the delivery device 902 using an adhesive, or a removable sleeve such as a heat shrink tube. In this example, the balloon catheter 902 has several balloons including a distal balloon 904, a proximal balloon 906, and a center balloon (not illustrated in Figure 9A). Figure 9B illustrates the inflation of the distal 904 and proximal 906 balloons to situate the extension members 908. Accordingly, the  
30 extension members 908 for a flange or collet about the airway wall 114. The balloons 904, 906 may be inflated simultaneously, or in a desired sequence. In any case, deployment of the balloons 904, 906 may serve to center the conduit 900 in the collateral channel.

Figure 9C illustrates inflation of the center balloon 912 which causes expansion of the center section 910 of the conduit 900. If the conduit 900 is affixed to the delivery device 902, expansion of the center balloon 912 causes release of the conduit 900 by release of the adhesive or breaking of the heat shrink tubing (not shown). In any case, the means of attachment may be bioabsorbable and remain in the body, or may remain affixed to the delivery device 902 and is removed with removal of the delivery device 902. Figure 9D illustrates the conduit 900 affixed to the airway wall 114 after the delivery device 902 is removed from the site. Another method of deploying a conduit includes restraining the conduit about a delivery device using a wire or string tied in a slip-knot or a series of slip-knots. When the conduit is delivered to a desired location, the proximal end of the wire or string may be pulled which releases the wire/string and deploys the conduit. Figure 9E and 9F illustrate possible ways to manipulate a conduit 914 for placement in an airway wall 114 using a delivery device 916. Figure 9E illustrates deployment of a delivery device 916 to place a conduit 914 within an opening in an airway wall 114. The conduit 914 may be placed over a balloon 918 (or other expandable section) of the delivery device 916. Figure 9F illustrates deployment of the balloon 918 to place and expand the conduit 914. In the variation illustrated in Figures 9E and 9F, a balloon 918 serves several functions. The balloon 918 first expands and starts bending the extension members 920. The balloon 918 continues to center the conduit 914 on the tissue and simultaneously begins to expand the conduit 914 and secures the conduit to the tissue.

Figures 9G and 9H illustrate additional variations of deployment devices. In these variations, the deployment devices 922, 926 contain hourglass-shaped balloons 924, 928. The hour glass-shaped balloons 924, 928 contain an interior profile 923. For deployment of a conduit (not shown) of the present invention, the conduit is placed on the balloon 924, 928. As the balloon 924, 928 expands, the conduit expansion matches the interior profile 923 of the balloon 924, 928. Accordingly, the hour glass-shaped balloon 924, 928 may be used to set the angle and orientation of the expandable members of a conduit as well as the expansion of a center section of the conduit.

Figure 9I illustrates another variation of an hour glass shaped balloon delivery device 930. This variation of the hour glass shaped balloon 932 is designed to expand extension members (not shown) of a conduit (not shown) at a particular angle 934. The orientation of the balloon 932 may be designed as needed to impart the desired angle to the

extension members of the conduit. The balloons described herein may be constructed polyethylene terephthalate (PET) or any other material which is used in the construction of balloon catheters.

5 The invention further includes methods of evaluating individuals having a diseased lung to assess inclusion of the individual for the procedure.

The method comprises the steps of performing pulmonary function tests on the individual. The pulmonary function tests may obtain such values as FEV (forced expiratory volume), FVC (forced vital capacity),  $FEF_{25\%-75\%}$  (forced expiratory flow rate), PEFR (peak expiratory flow rate), FRC (functional residual capacity), RV (residual  
10 volume), TLC (total lung capacity), and/or flow/volume loops.

FEV measures the volume of air exhaled over a pre-determined period of time by a forced expiration immediately after a full inspiration. FVC measures the total volume of air exhaled immediately after a full inspiration.  $FEF_{25\%-75\%}$  measures the rate of air flow during a forced expiration divided by the time in seconds for the middle half of expired  
15 volume.. PEFR measures the maximum flow rate during a forced exhale starting from full inspiration. FRC is the volume of air remaining in the lungs after a full expiration. RV is the FRC minus the expiratory reserve volume. TLC is the total volume in the lungs at the end of a full inspiration. Flow/volume loops are graphical presentations of the percent of total volume expired (on the independent axis) versus the flow rate during a forced  
20 expiratory maneuver.

The invention further comprises methods to determine the completion of the procedure. This variation of the invention comprises the step of performing pulmonary function tests as described above, creating collateral channels in the lungs, performing a post-procedure pulmonary function test, obtaining clinical information, comparing the  
25 results of the tests, evaluating the clinical information with the results of the test to determine the effectiveness of the procedure.

Another method to determine the completion of the procedure includes checking the resistance of airflow upstream from a location of a collateral channel. The method includes making a collateral channel, checking airflow, measuring resistance to airflow,  
30 and repeating the procedure until acceptable resistance is obtained. Because the collateral channel allows for the release of trapped air, the resistance to airflow should decrease. A

body plethysmograph or other suitable equipment used to measure in pulmonary medicine may be used to determine the resistance to airflow.

5 A measurement of total lung volume may be used to determine when the lung is suitably deflated and therefore when enough collateral channels are created. Or, non-invasive imaging may be used to determine pre and post procedure lung volume or diaphragm position.

An evaluation of the effectiveness of the procedure may also include creating a collateral channel then sealing the channel with a balloon catheter. The distal end of catheter is then opened for a measurement of the flow of trapped air through the catheter.

10 This variation of the invention includes obtaining clinical information regarding the quality of life of the individual before and after any procedures, physical testing of the pulmonary system of the individual, and a general screening for pulmonary condition.

15 The invention herein is described by examples and a desired way of practicing the invention is described. However, the invention as claimed herein is not limited to that specific description in any manner. Equivalence to the description as hereinafter claimed is considered to be within the scope of protection of this patent.

WE CLAIM AS OUR INVENTION:

1. A method of improving gaseous flow within a diseased lung comprising the step of altering the gaseous flow paths within the lung.

2. The method of claim 1 wherein the step of altering the gaseous flow comprises the steps of:

selecting at least one site for collateral ventilation of the lung, and  
creating at least one collateral channel in at least one of the sites.

3. The method of claim 2 further comprising the step of locating the at least one site within a portion of a natural airway of the respiratory system prior to said selecting step.

4. The method of claim 3 wherein said locating step includes visually examining the airway for dynamic airway collapse.

5. The method of claim 4 wherein visual examination of the airway is performed via a fiber optic line.

6. The method of claim 1 wherein said locating step comprises transmitting a first signal into an area of tissue, receiving a second signal, comparing said first and second signal for Doppler shifting.

7. The method of claim 6 wherein said comparing step comprises determining whether a blood vessel is present near said area of tissue.

8. The method of claim 3 wherein said locating step includes  
(a) examining the lung using an imaging method selected from radiography, computer tomography, ultrasound, Doppler, MRI, PET and acoustic imaging to determine a location to alter the gaseous flow, and  
(b) examining the lung using the non-invasive imaging method selected

from radiography, computer tomography, ultrasound, doppler, MRI, PET and acoustic imaging to determine a number of collateral channels to be created.

5           9.     The method of claim 8 further including the step of inserting a fluid into the airway to assist in ultrasound or doppler imaging.

          10.    The method of claim 3 further comprising the step of inserting an additive to enhance the visibility of the airway during the examining step.

10           11.    The method of claim 3 wherein said locating step includes determining the degree of collateral ventilation between a plurality of air sacs of the lung in a region adjacent to the airway.

          12.    The method of claim 11 wherein said step of determining the degree of collateral ventilation includes:

- (a) forcing a volume of a gas through the airway and into the air sacs;
- (b) reducing pressure in the airway after the forcing step;
- (c) determining the reduction in a diameter of the airway as a result of the reduced pressure.

20

          13.    The method of claim 12 further including the step of occluding a segment of the airway and wherein said steps of reducing pressure and determining the reduction in diameter are performed distally of the occluded segment.

25           14.    The method of claim 11 wherein said step of determining the degree of collateral ventilation includes:

- (a) occluding a segment of the airway;
- (b) adding or removing gas distally of the occluded segment; and
- (c) monitoring flow or pressure distally of the occluded segment.

30

          15.    The method of claim 11 wherein said step of determining the degree of collateral ventilation includes:

(a) forcing a volume of a gas within the lung near to the airway; and  
(b) measuring pressure, flow, or return volume of the gas within the airway,  
wherein said measuring step is performed after said forcing step.

5           16.    The method of claim 15 further including the step of occluding a segment of  
the airway and wherein said measuring step is performed distally of the occluded segment.

10           17.    The method of claim 15 wherein said forcing step comprises forcing the gas  
through a wall of the airway directly into the air sacs.

18.    The method of claim 17 further comprising the step of measuring the  
difference between the forced volume and the return volume to determine the degree of  
collateral ventilation.

15           19.    The method of claim 3 wherein the step of selecting each of the sites  
comprises locating blood vessels in the region of said at least one site and selecting a site  
non-adjacent to any blood vessels.

20           20.    The method of claim 19 wherein said step of locating blood vessels includes  
providing a remote signal to indicate the presence of any blood vessel.

21.    The method of claim 19 wherein the step of locating blood vessels is  
performed using ultrasound.

25           22.    The method of claim 19 further including the step of marking a location of  
said at least one site.

30           23.    The method of claim 19 where said locating is conducted using an imaging  
method selected from radiography, computer tomography, ultrasound, doppler, acoustic,  
pulse oxymetry and thermal.

24. The method of claim 3 wherein the step of selecting each of the sites comprises detecting the absence of blood vessels at a particular site and selecting the site where the blood vessel is not detected.

5           25. The method of claim 24 wherein said step of detecting the absence of any blood vessel includes providing a remote signal to indicate the absence of any blood vessel.

26. The method of claim 24 wherein the step of detecting the absence of any blood vessels is performed using ultrasound.

10

27. The method of claim 3 wherein the portion of the natural airway is selected from a group consisting of bronchi, upper lobe, middle lobe, lower lobe, segmental bronchi, and bronchioles.

15

28. The method of claim 27 wherein the step of selecting each of the sites comprises introducing a probe into a wall of the natural airway, and detecting the presence of a blood vessel.

20           29. The method of claim 28 wherein said step of detecting the blood vessel includes providing a remote signal to indicate the presence or absence of any blood vessel.

30. The method of claim 27 further comprising de-laminating a blood vessel from a wall of the natural airway.

25           31. The method of claim 30 wherein the step of de-laminating comprises inflating a balloon within the natural airway until delamination occurs.

30           32. The method of claim 30 wherein the step of de-laminating comprises generating a vacuum within the natural airway to separate the wall of the natural airway from the vessel.



33. The method of claim 27 further comprising the step of pushing a blood vessel away from a wall of the natural airway prior to creating the collateral channel.

5 34. The method of claim 27 wherein the step of creating at least one collateral airway comprises mechanically forming the collateral channel.

35. The method of claim 34 wherein the at least one collateral channel is mechanically formed using a process selected from dilation, cutting, piercing, and bursting.

10 36. The method of claim 27 wherein the step of creating at least one collateral channel comprises electrically forming the collateral channel.

37. The method of claim 36 wherein the at least one collateral channel is electrically formed using RF energy.

15 38. The method of claim 27 wherein the step of creating at least one collateral channel comprises ultrasonically forming the collateral channel.

20 39. The method of claim 27 wherein the step of creating at least one collateral channel comprises forming the collateral channel using a laser.

40. The method of claim 27 wherein the step of creating at least one collateral channel comprises forming the collateral channel using microwave energy.

25 41. The method of claim 27 wherein the step of creating at least one collateral channel comprises chemically forming the collateral channel.

42. The method of claim 27 wherein the channel comprises an opening in the wall of the airway.

30 43. The method of claim 27 wherein the channel has an approximate area between  $0.196 \text{ mm}^2$  to  $254 \text{ mm}^2$ .

44. The method of claim 27 wherein the channel extends immediately beyond an epithelial layer.

5           45. The method of claim 27 wherein the channel extends up to 12 cm beyond an epithelial layer.

46. The method of claim 27 wherein the channel has a shape selected from a hole, slit, skive, tear, and partially removed flap.

10

47. The method of claim 27 wherein the channel comprises a periphery of the wall of the airway wall that is removed.

48. The method of claim 27 further comprising the step of applying a glue in  
15 proximity to the at least one site for collateral ventilation.

49. The method of claim 27 further comprising the step of delivering steroids to the lung.

20           50. The method of claim 27 wherein the step of creating the at least one collateral channel comprises making an incision in a wall of the natural airway, placing the wall of the natural airway in tension, advancing a blunt instrument into the incision.

51. The method of claim 27 wherein the step of altering includes the step of  
25 inserting conduits having various cross-sectional areas in discrete areas of the lung to improve gaseous flow.

52. The method of claim 27 wherein the step of creating at least one collateral channel comprises inserting a conduit within a wall of the natural airway.

30

53. The method of claim 27 further comprising the step of inserting at least one conduit within each of the collateral channels.

54. The method of claim 53 wherein each of said conduit has a length to a diameter ratio of 1:1.

5 55. The method of claim 53 wherein the conduit is comprised of a material selected from the group consisting of elastomers, polymers, metals, metal alloys, shape memory alloys, and shape memory polymers.

10 56. The method of claim 53 wherein the conduit has a wall extending between a proximal end and a distal end, the wall forming a lumen, and where the conduit is inserted so the lumen extends longitudinally with the collateral channel.

15 57. The method of claim 56 wherein the conduit has at least one opening within a wall of the conduit.

58. The method of claim 53 wherein the conduit is removable from the body.

20 59. The method of claim 1 where the altering step comprises collaterally ventilating the lung by forming at least one opening in a natural airway wall within said lung that is in fluid communication with lung tissue.

60. The method of claim 59 further comprising the step of folding tissue through the opening in the airway wall.

25 61. The method of claim 59 further comprising the step of placing a bioabsorbable material in the opening to maintain patency of the opening.

30 62. The method of claim 61 wherein the bioabsorbable material comprises small intestine submucosa.

63. The method of claim 65 wherein said preserving step comprises cooling the tissue adjacent to the opening.

64. The method of claim 59 wherein said step of forming at least one opening comprises creating at least one section of airway wall tissue and folding the flap through the opening.

5

65. The method of claim 1 where the altering step comprises promoting flow through parenchymal inter-conduits.

10

66. The method of claim 1 where the altering step comprises bypassing restricted airways.

67. The method of claim 1 where the altering step comprises making an inspiratory path different from an expiratory path within the lung.

15

68. The method of claim 1 where the altering step comprises promoting patency and gaseous flow within at least one natural airway by relieving pressure external to a wall of at least that area.

20

69. The method of claim 1 where the altering step comprises creating at least one secondary artificial airflow path parallel to at least one natural airflow path.

70. The method of claim 1 where the altering step comprises increasing a cross-sectional area of an airflow at a treatment site.

71. A device for altering gaseous flow in a diseased lung comprising a locator for locating at least one site for creating a collateral channel in the lung.

5 72. The device of claim 71 further comprising a means for creating at least one collateral channel in the at least one site.

73. The device of claim 72 further comprising a means for coagulating blood upon entry into a blood vessel.

10 74. The device of claim 72 wherein said means for locating comprises a probe configured to puncture a wall of an airway within the lung and detect the presence of blood.

15 75. The device of claim 72 wherein the means for creating the at least one collateral channel uses a forming device selected from a group consisting of mechanical, electrical, laser, ultrasonic, microwave energy, and chemical.

76. The device of claim 75 wherein the forming device is electrical and uses RF energy.

20 77. The device of claim 75 further including a means for stopping the forming device upon contact with a blood vessel.

25 78. The device of claim 72 wherein the means for creating the at least one collateral channel uses a forming device comprises means capable of performing steps selected from dilation, cutting, piercing, and bursting.

79. The device of claim 72 wherein the device comprises a means for simultaneously creating a plurality of collateral channels.

30 80. The device of claim 72 wherein said locator includes a gas delivery member terminating at a distal end of the device, said delivery member being configured to transfer a volume of a gas to an air sac of the diseased lung.

81. The device of claim 80 further comprising a probe located at the distal end of the device configured to collect or transfer data within the lung.

5 82. The device of claim 80 where said probe collects data on pressure, volume, or flow rate of the gas within the airway.

83. The device of claim 80 wherein said device further comprises an expandable member at said distal end, said expandable member being proximal to said probe, said  
10 expandable member configured to sealingly occlude the airway while permitting said probe to extend proximally through said expandable member.

84. The device of claim 80 wherein said delivery member is configured to pass  
15 through a wall of the airway to force the gas directly into air sacs.

85. The device of claim 72 wherein said locator includes an expandable member located at a distal end of the device, said expandable member configured to sealingly occlude the airway, and a passageway extending from a proximal end of the device through said expandable member to a distal end of the device, said passageway being in fluid  
20 communication with said airway.

86. The device of claim 72 wherein locator includes a visualizing means for viewing an airway in the lung.

25 87. The device of claim 86 wherein said visualizing means comprises a fiber optic cable.

88. The device of claim 72 further comprising a means for marking the at least  
30 one site.

89. A medical device for detecting motion within tissue by observing a Doppler shift and for creating channels in tissue, the medical device comprising:

a flexible elongate member having a proximal end and a distal end;

5 a transducer assembly adapted to generate a source signal and receive a reflected signal, a portion of said assembly located adjacent to said distal end of said elongate member, said transducer assembly comprising a tip located at said distal end of said medical device, said tip being distal to said elongate member; and

a hole-making assembly located adjacent to said transducer assembly.

10 90. The medical device of claim 89 wherein said transducer assembly is adapted to generate said source signal and receive said reflected signal over a substantial portion of said tip.

15 91. The medical device of claim 90 wherein said transducer assembly comprises an ultrasound transducer and wherein said tip of said transducer assembly comprises a signal interfering medium, said transducer and said signal interfering medium being in acoustical communication, and wherein said source and said reflected signals are ultrasound signals.

20 92. The medical device of claim 91 wherein said signal interfering medium comprises an acoustic lens having an inner surface and an outer surface, said lens inner surface being in at least acoustical communication with said ultrasound transducer, wherein when said transducer generates said source signal said lens refracts and disperses said source signal substantially about said outer surface of said lens, and when said outer  
25 surface receives said reflected signal, said lens refracts said reflected signal towards said transducer.

93. The medical device of claim 91 wherein said signal interfering medium comprises a hemispherical outer surface.

30 94. The medical device of claim 91 wherein said signal interfering medium comprises a oblate spheroid shaped outer surface.

95. The medical device of claim 91 wherein said signal interfering medium comprises a prolate spheroid shaped outer surface.

5           96. The medical device of claim 91 wherein said signal interfering medium comprises a cone shaped outer surface.

          97. The medical device of claim 89 wherein said tip comprises a hemispherical shaped ultrasound transducer.

10

          98. The medical device of claim 89 wherein said elongate member has a joint between said proximal and distal ends, said joint adapted to permit a first portion of said device defined from said joint to said tip to form an angle with a second portion of said elongate member defined from said joint to said proximal end of said elongate member.

15

          99. The medical device of claim 89 wherein at least a portion of said elongate member further comprises a reinforcing member.

          100. The medical device of claim 89 wherein said reinforcing member comprises  
20 a braid.

          101. The medical device of claim 89 wherein said hole-making assembly is adapted to mechanically create an opening in tissue.

25           102. The medical device of claim 89 further comprising a source of RF energy in electrical communication with said hole-making assembly, and wherein said hole-making assembly is configured to make holes using RF energy.

          103. The medical device of claim 102 further comprising a heat sink adjacent to  
30 said hole-making assembly.



104. The medical device of claim 102 wherein said elongate member further comprises a fluid dispensing assembly adjacent to said hole-making assembly.

5 105. The medical device of claim 102 wherein said hole-making assembly comprises a first conductive portion on said tip, wherein said first conductive portion functioning as a first RF electrode.

10 106. The medical device of claim 105 further comprising a second conductive portion on said tip, said second conductive portion functioning as a second RF electrode, said second conductive portion being insulated from said first conductive portion.

107. The medical device of claim 106 wherein said first conductive portion and said second conductive portion extend spirally along said tip.

15 108. The medical device of claim 105 wherein said transducer assembly comprises an ultrasound transducer and said tip comprises an acoustic lens, wherein said transducer assembly and said lens are in acoustic communication, said transducer assembly adapted to generate said source signal and receive said reflected signal, wherein said lens is separated from said transducer by a separation medium, said separation medium being  
20 adapted to transmit ultrasound energy.

109. The medical device of claim 105 wherein said transducer assembly further comprises a transducer adapted to generate said source signal and receive said reflected signal wherein said conductive distal surface of said transducer assembly and said  
25 transducer are moveable relative to each other.

110. The medical device of claim 102 wherein said hole-making assembly further comprises a conductive wire-like member extending away from said elongate member.

30 111. The medical device of claim 110 wherein said wire-like member is retractable into said elongate member.

112. The medical device of claim 102 wherein said hole-making assembly further comprises a conductive member located on a surface of said elongate member.

5 113. The medical device of claim 102 wherein said hole-making assembly further comprises a conductive member located coaxially about said transducer assembly, and wherein said transducer assembly is axially moveable within said conductive member.

10 114. The medical device of claim 102 wherein said hole-making assembly further comprises an electrode extending from a side of said elongate member adjacent to said distal end.

15 115. The medical device of claim 114 wherein said elongate member is conductive and said electrode is a protrusion integral with said elongate member, wherein said elongate member is covered with an insulative covering.

116. The medical device of claim 114 wherein said electrode is a spherical member which is retractable into said elongate member.

20 117. The medical device of claim 102 further comprising an RF energy source.

118. The medical device of claim 89 further comprising an ultrasound device capable of triggering said source signal and detecting said reflected signal.

25 119. The medical device of claim 118 wherein said ultrasound device is further capable of detecting a Doppler shift between said source and said reflected signal.

120. The medical device of claim 89 wherein said device is configured to fit within a working channel of an endoscope.

121. A medical device for detecting blood vessels within tissue by observing a Doppler shift, the medical device comprising:

a flexible elongate member having a proximal end and a distal end;

5 a transducer assembly adapted to generate a source signal and receive a reflected signal, a portion of said transducer assembly located adjacent to said distal end of said elongate member, said transducer assembly comprising at least one an ultrasound transducer and an acoustic lens, said transducer located adjacent to said elongate member and adapted to generate said source signal and to receive said reflected signal, said acoustic lens located distally of said elongate member and comprising a tip of said device, said lens  
10 having an inner surface and an outer surface, said lens inner surface being in at least acoustic communication with said transducer, wherein when said transducer generates said source signal said lens refracts and disperses said source signal substantially about said outer surface of said lens, and when said outer surface receives said reflected signal, said lens refracts said reflected signal towards said transducer.

15

122. The medical device of claim 121 wherein at least said outer surface of acoustic lens is hemispherical.

123. The medical device of claim 121 wherein at least said outer surface of  
20 acoustic lens is oblate spheroid shaped.

124. The medical device of claim 121 wherein at least said outer surface of acoustic lens is prolate spheroid shaped.

25 125. The medical device of claim 121 wherein at least said outer surface of acoustic lens is cone shaped.

126. The medical device of claim 121 wherein said transducer assembly is further adapted to produce therapeutic ultrasound to create openings in or mark -tissue.

30

127. The medical device of claim 126 wherein said transducer assembly is adapted to produce a high energy ultrasound to create openings in tissue.

128. The medical device of claim 121 wherein said elongate member has a joint between said proximal and distal ends, said joint adapted to permit a first portion of said device defined from said joint to said tip to form an angle with a second portion of said elongate member defined from said joint to said proximal end of said elongate member.

129. The medical device of claim 121 wherein at least a portion of said elongate member comprises a support member.

130. The medical device of claim 129 wherein said support member is a braid.

131. A medical device for creating an opening in tissue within the lungs and applying heat to the opening, said medical device comprising:

5 an elongate member having a proximal end and a distal end and at least one lumen extending therebetween, said elongate member including a reinforcing member extending through at least a portion of said elongate member, said reinforcing member adapted to increase an axial compressive strength of said elongate member;

a dilating member having a body extending from a distal end of said elongate member and a tapered end opposite to said elongate member;

10 a heating element affixed to said dilating member, said heating element adapted to heat said dilating member.

132. The medical device of claim 131 wherein said body of said dilating member has at least two regions of varying diameter.

15 133. The medical device of claim 131 wherein said heating element comprises a plurality of conductive windings about a surface of said dilating member.

20 134. The medical device of claim 131 wherein said heating element comprises a resistive wire wrapped about a surface of said dilating member.

25 135. The medical device of claim 131 further comprising a heat sink adjacent to said body of said dilating member, said heat sink having a first profile extending radially farther from said elongate member than said dilating member.

136. The medical device of claim 135 wherein said heat sink comprises an expandable balloon.

30 137. The medical device of claim 136 wherein said expandable balloon contains saline.

138. The medical device of claim 131 wherein said elongate member further comprises a fluid dispensing assembly adjacent to said body of said dilating member.

139. The medical device of claim 138 wherein said fluid dispensing assembly is  
5 adapted to spray a fluid about and away from said dilating member.

140. A conduit for maintaining the patency of an opening in tissue comprising:  
a center section having a first end and a second end and a central axis  
extending between said ends, a passageway within said center section extending between  
said ends; and

5 at least one extension member extending from each end of said center  
section, each said extension member having a free end extending away from said center  
section, each of said extension members being parallel to said central axis of said center  
section, each of said free ends of said extension members being moveable such that said  
extension member may bend about said respective end of said center section.

10 141. The conduit of claim 140 wherein said center section is radially expandable  
away from said central axis to allow said center section to assume an expanded profile from  
a reduced profile.

15 142. The conduit of claim 141 wherein a length of said center section is less than  
twice the square root of a cross sectional area of said center section when said center  
section is in said expanded profile.

20 143. The conduit of claim 141 wherein a length of said center section measured  
along said central axis decreases as said center section expands from said reduced profile to  
said expanded profile.

25 144. The conduit of claim 141 wherein said center section is spring biased to  
assume said expanded profile.

145. The conduit of claim 140 where said extension members extending from  
said first end of said conduit are longer than said extension members extending from a  
second end of said conduit.

30 146. The conduit of claim 140 wherein said at least one extension member  
comprises a plurality of extension members extending from each end of said center section,  
said extension members arranged around a circumference of said center section.

147. The conduit of claim 140 wherein said center section comprises a mesh formed from a plurality of ribs.

5           148. The conduit of claim 147 further comprising a coating about said center section adapted to preventing tissue from extending through said mesh.

149. The conduit of claim 140 wherein said conduit is fully coated.

10           150. The conduit of claim 140 further comprising a fluid-tight cover about said center section of said conduit.

151. The conduit of claim 140 further comprising a fluid-tight cover about a portion of said conduit containing said extension members.

15           152. The conduit of claim 140 further comprising a fluid-tight cover about an entirety of said conduit.

20           153. The conduit of claim 140 wherein said center section comprises a rolled sheet of material, wherein said extension members are extend from a first and a second end of said sheet.

25           154. The conduit of claim 140 wherein said passageway has a cross sectional area between  $0.196 \text{ mm}^2$  to  $254 \text{ mm}^2$ .

155. The conduit of claim 140 wherein said passageway has a cross sectional area between  $3 \text{ mm}^2$  to  $20 \text{ mm}^2$

30           156. The conduit of claim 140 wherein said conduit has an asymmetrical profile.

157. The conduit of claim 140 wherein said conduit has a ratio of a length to a diameter of approximately 1:1.



158. The conduit of claim 140 wherein said conduit comprises a material selected from a group consisting of elastomers, metals, metal alloys, polymers, shape memory alloys, and shape memory plastics.

5

159. The conduit of claim 140 further comprising a self-cleaning mechanism within said passageway.

10

160. The conduit of claim 159 wherein said self-cleaning mechanism is a ball bearing shaker valve.

161. The conduit of claim 140 further comprising a one-way valve located within said passageway.

15

162. The conduit of claim 140 further comprising a gas-permeable bacterial-resistant barrier located within said passageway.

163. An implantable device comprising a conduit for placement in a collateral channel within a diseased lung comprising a means for maintaining a gas passageway between parenchymal tissue and a natural airway within the lung.

5           164. The implant of claim 163 wherein said conduit is sized to fit an airway selected from the group consisting of a trachea, a bronchus, and a bronchiole.

165. The implant of claim 163 wherein said conduit has a lumen having a substantial cross-sectional area between  $0.196 \text{ mm}^2$  to  $254 \text{ mm}^2$ .

10

166. The implant of claim 163 wherein said conduit has an asymmetrical profile.

167. The implant of claim 163 wherein said conduit has a ratio of a length to a diameter of approximately 1:1.

15

168. The implant of claim 163 wherein said conduit is removable.

169. The implant of claim 163 comprising a material selected from a group consisting of elastomers, metals, metal alloys, polymers, shape memory alloys, and shape memory plastics.

20

170. The implant of claim 163 wherein said conduit further comprises a wall extending from a distal end and a proximal end, where the wall is gas permeable.

25           171. The implant of claim 163 further comprising a barrier layer extending from a distal end to a proximal end to define a lumen, said barrier layer being sufficiently non-porous to prevent the tissue from entering the lumen.

30           172. The implant of claim 163 further comprising an anchor located at an end of said conduit, said anchor having a diameter decreasing in a direction away from said

conduit to prevent dislodging of said conduit from the airway wall, and said anchor having at least one ventilation opening.

5        173.    The implant of claim 172 wherein said anchor has an internal thread to receive an external thread of said conduit.

174.    The implant of claim 163 wherein said conduit has an opening in a wall of said conduit.

175. A catheter for deploying a conduit within an airway in a lung comprising:  
a flexible elongate portion having a distal end and a proximal end;  
at least one lumen extending between said distal and proximal ends; and  
5 an hour-glass shaped balloon located adjacent to said distal end, said balloon  
having a first portion, a second portion, and a third portion, wherein said first and second  
portions are capable of expanding to a greater diameter than said second portion.

176. A kit comprising the device of claim 89 and the conduit of claim 140.

177. The kit of claim 176 further comprising a bronchoscope.

178. A kit for maintaining the patency of an opening in tissue comprising:  
a conduit comprising a tubular center section having a first end and a second  
end and a central axis extending between said ends, said center section comprising a mesh  
formed from a plurality of ribs, a plurality of extension members having a free end  
5 extending from each end of said center section, said extension members arranged around a  
circumference of said center section, each of said free ends of said extension members  
being independently moveable in a direction orthogonal to said central axis to form an  
angle with said central axis; and  
a delivery catheter.

179. The kit of claim 178 wherein said delivery catheter further comprises an an  
ultrasound transducer assembly for transmitting and receiving an ultrasound signal, and a  
hole-making assembly for creating a collateral channel.

180. The kit of claim 179 wherein said hole-making assembly uses RF energy  
and further comprising a RF energy supply.

181. The kit of claim 179 further comprising an ultrasound device capable of  
detecting an ultrasound signal and determining a Doppler shift between a transmitted signal  
and a reflected signal.

182. A method of teaching any of the methods of claims 1-70.

183. A method of evaluating an individual having a diseased lung as a candidate  
for a procedure to create collateral channels within an airway of the individual, said method  
comprising the steps of:

(a) performing pulmonary function tests on the individual to obtain at least  
one pulmonary function value;

(b) comparing the at least one pulmonary function to a corresponding  
predetermined pulmonary function value;

(c) assigning a rating to the individual based upon said comparing step; and

(d) evaluating the individual based upon the rating.

184. The method of claim 183 wherein the pulmonary function value is selected from a group consisting of FEV (forced expiratory volume), FVC (forced vital capacity), FEF (forced expiratory flow), Vmax (maximum flow), PFER (peak expiratory flow rate),  
5 FRC (functional residual capacity), RV (residual volume), TLC (total lung capacity), or a combination thereof.

185. The method of claim 183 further comprising the step of obtaining clinical information from the individual, and wherein said assigning step further includes  
10 accounting for the clinical information to assign the rating.

186. The method of claim 185 further comprising the step of using imaging to identify an amount of the lung that is hyper-inflated, and wherein said assigning step further includes accounting for the amount of the lung that is hyper-inflated to assign the  
15 rating.

187. A method of determining the effectiveness of a procedure to improve gaseous flow within a diseased lung, said method comprising the steps of:

- 20 (a) performing pulmonary function tests on the individual to obtain at least one pulmonary function value;
- (b) creating collateral channels within the lung;
- (c) performing post procedure pulmonary function tests on the individual to obtain at least one post-procedure pulmonary function value; and
- (d) obtaining clinical information from the individual;
- 25 (e) comparing the pulmonary function value with the post-procedure pulmonary function value to determine the effect of creating collateral ventilation; and
- (f) evaluating the comparing step with the clinical information to assess the effectiveness of the procedure to improve gaseous flow within the diseased lung.

30 188. The method of claim 187 wherein the pulmonary function value is selected from a group consisting of FEV (forced expiratory volume), FVC (forced vital capacity), FEF (forced expiratory flow), Vmax (maximum flow), PFER (peak expiratory flow rate),

FRC (functional residual capacity), RV (residual volume), TLC (total lung capacity), or a combination thereof.

- 5      189.    A modified respiratory airway having an artificially created channel  
allowing gaseous communication between an exterior of the airway and an interior of the  
airway.

1/34

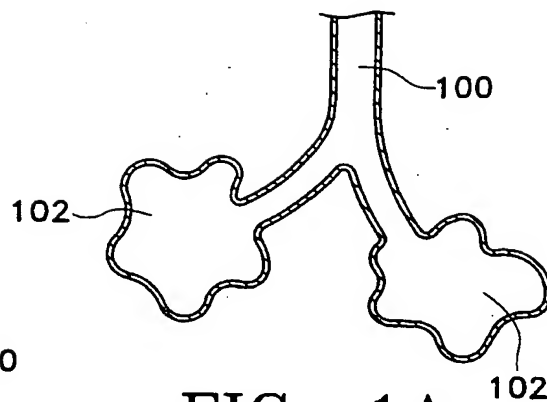


FIG. 1A

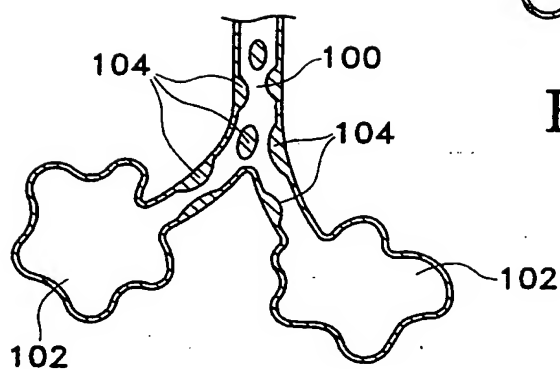


FIG. 1B

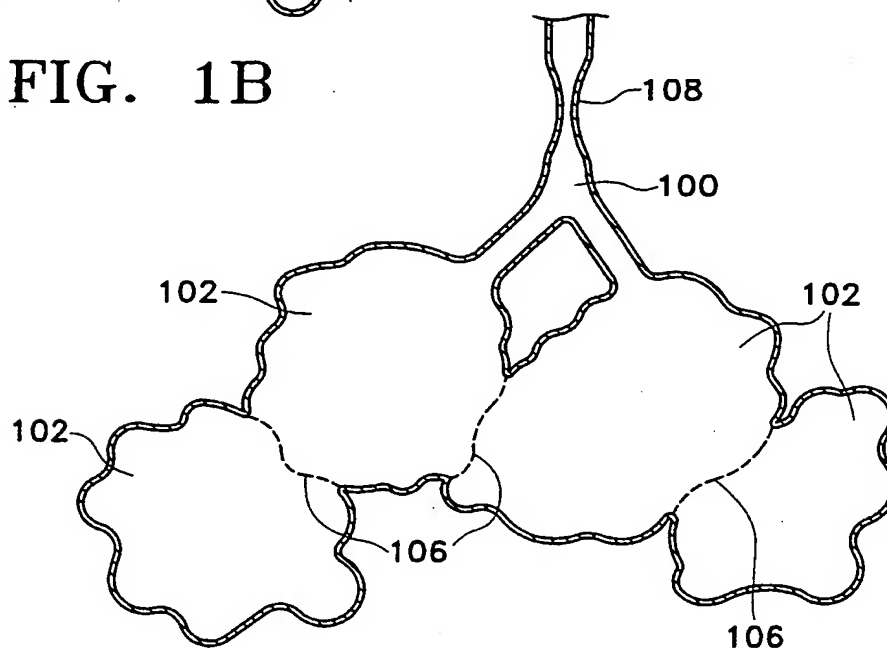


FIG. 1C



2/34

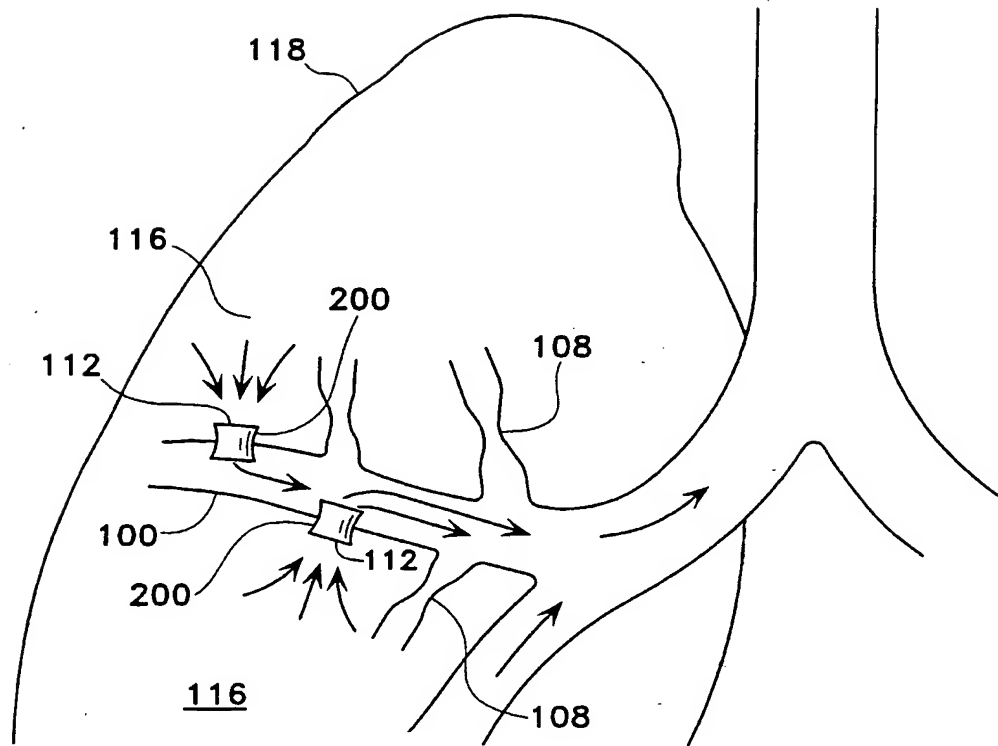


FIG. 1D

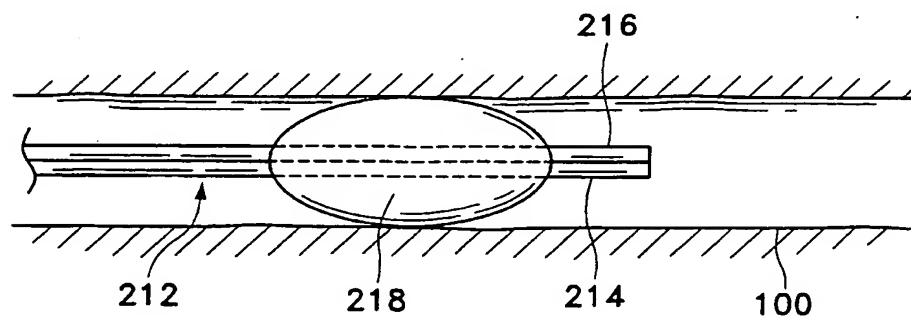


FIG. 1E

3/34

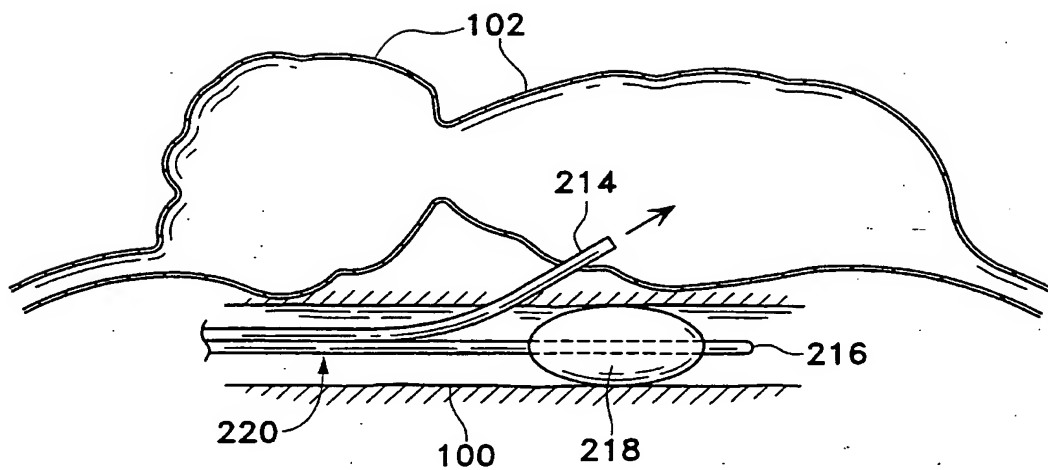


FIG. 1F

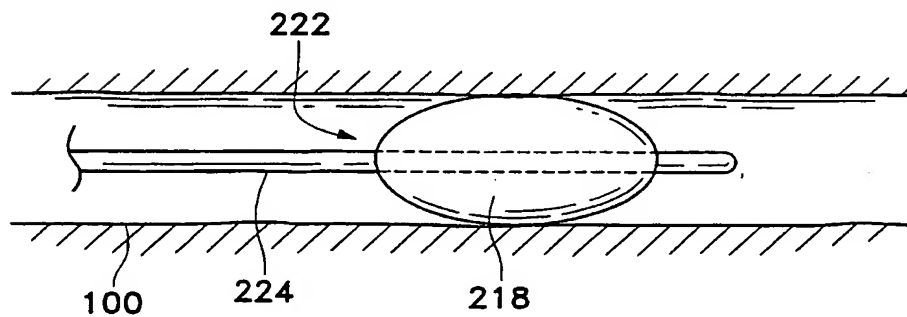


FIG. 1G

4/34

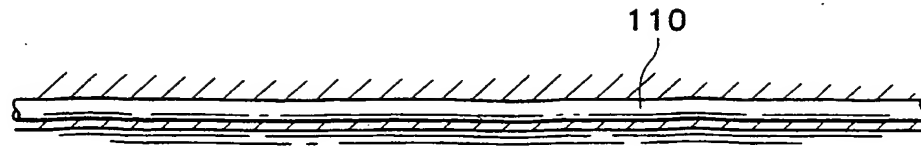


FIG. 2A

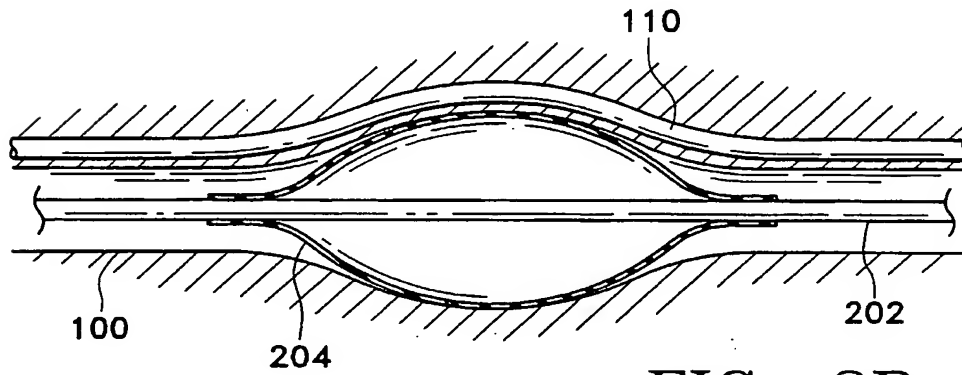


FIG. 2B

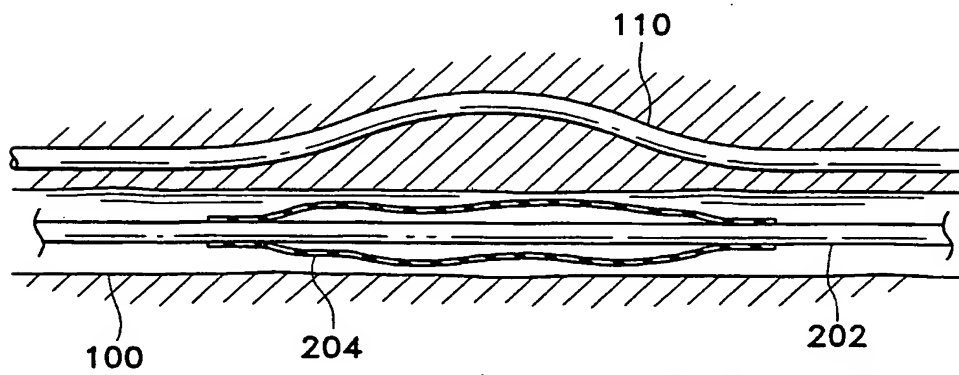


FIG. 2C

5/34

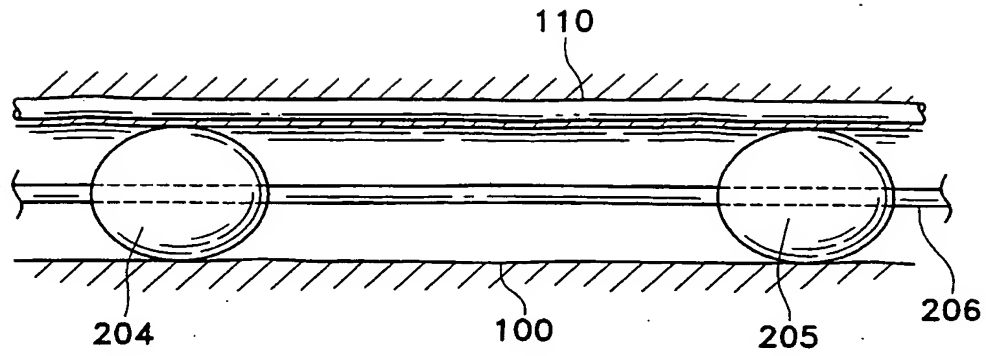


FIG. 2D

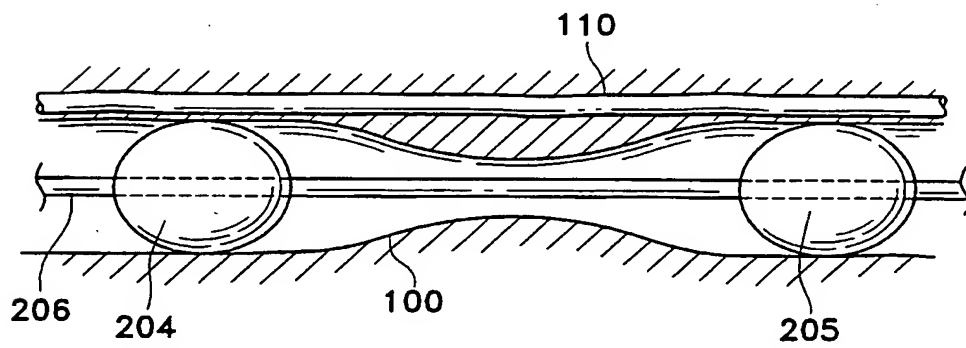


FIG. 2E

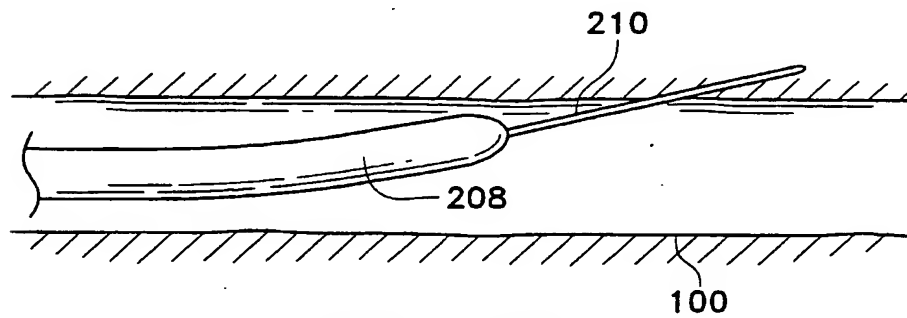
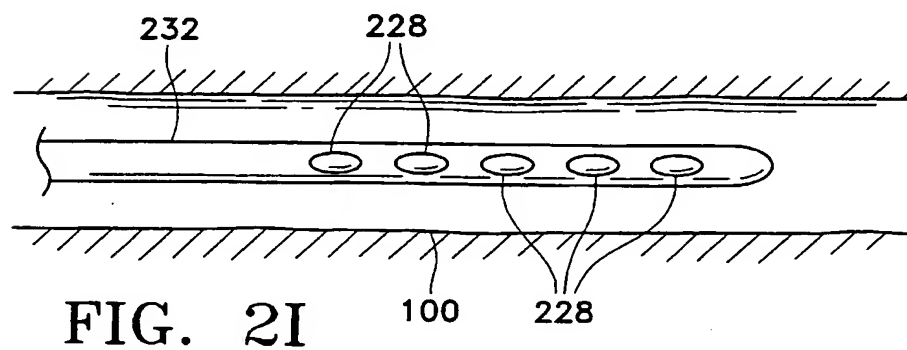
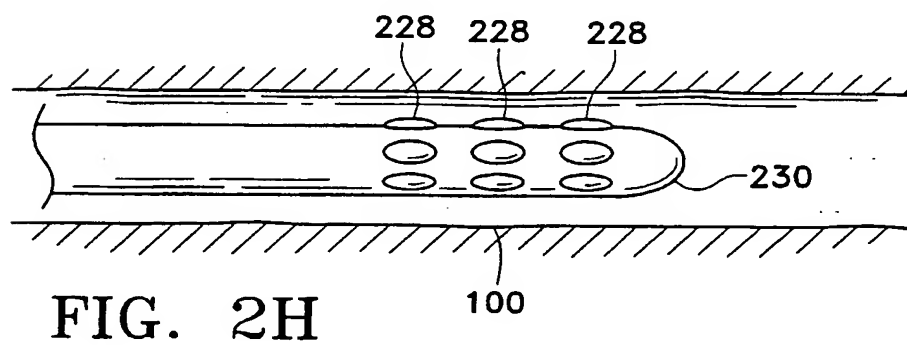
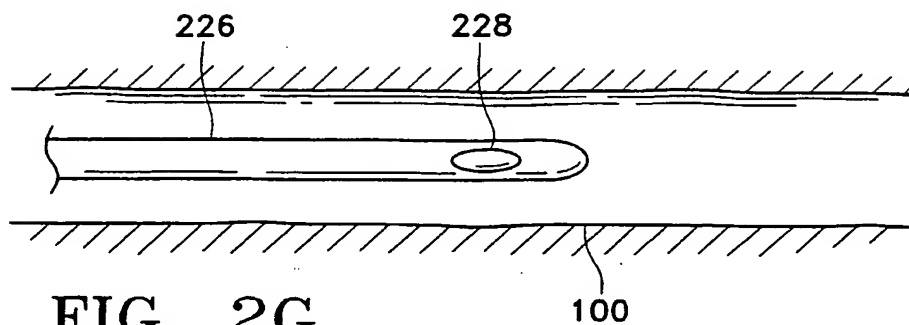


FIG. 2F

6/34



7/34

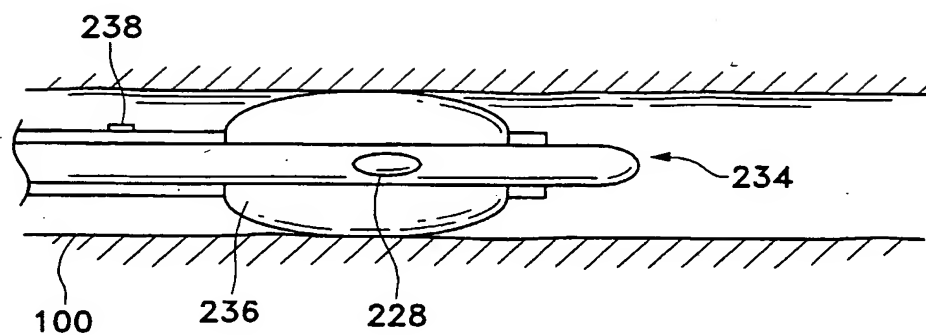


FIG. 2J

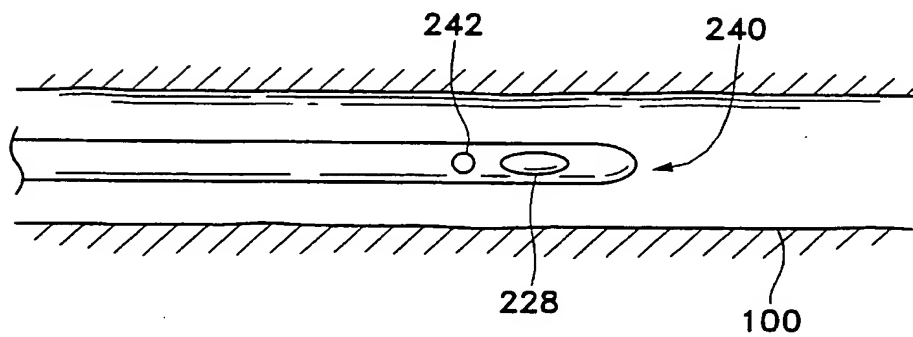


FIG. 2K

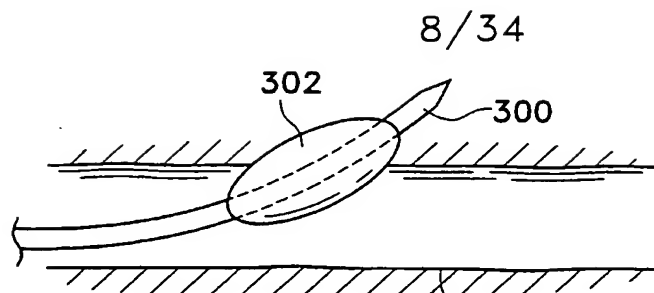


FIG. 3A

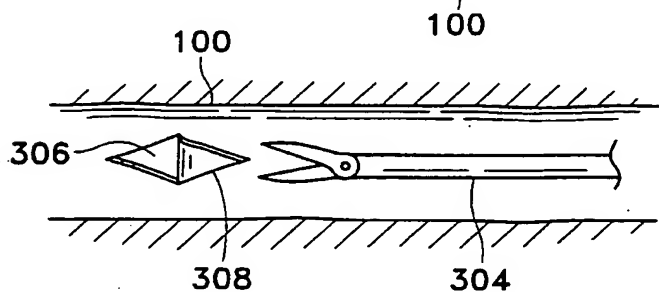


FIG. 3B

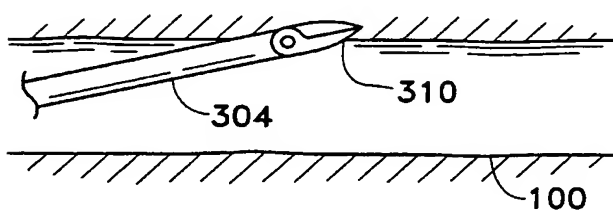


FIG. 3C

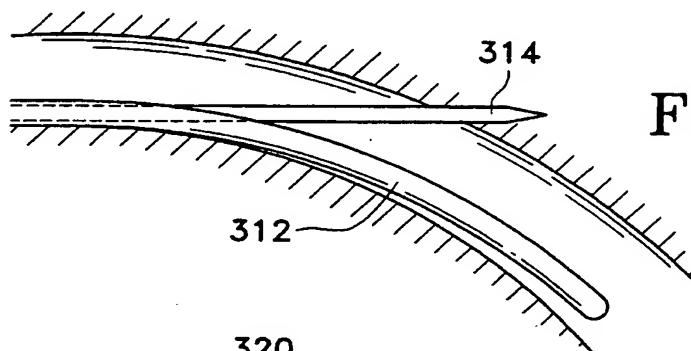


FIG. 3D

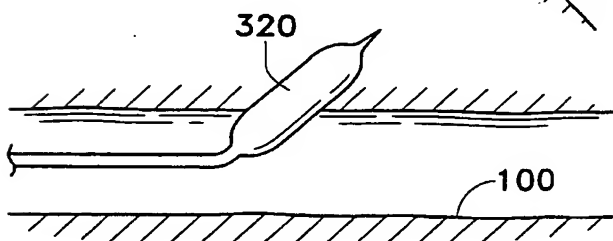


FIG. 3E

9/34

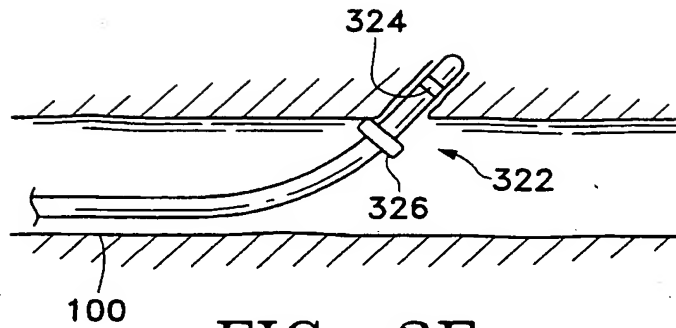


FIG. 3F

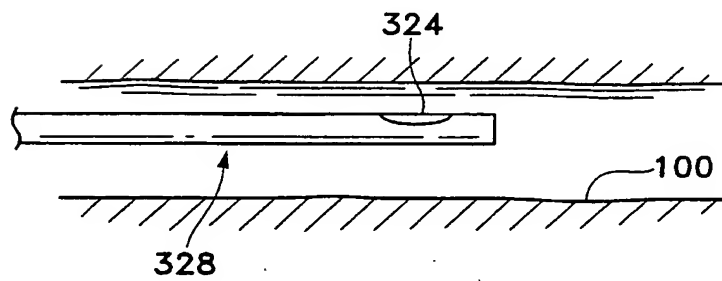


FIG. 3G

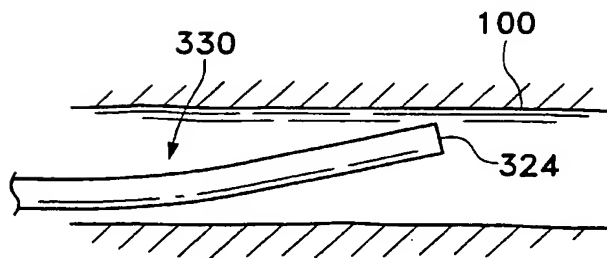


FIG. 3H

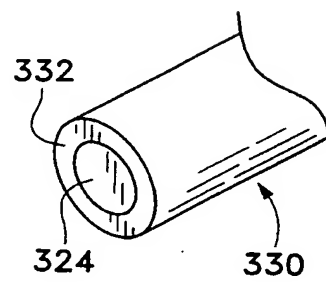


FIG. 3I



10/34

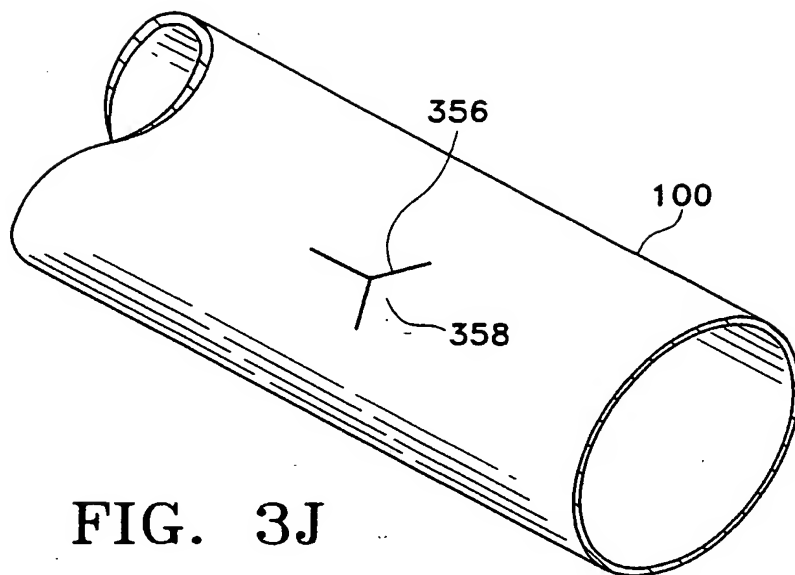


FIG. 3J

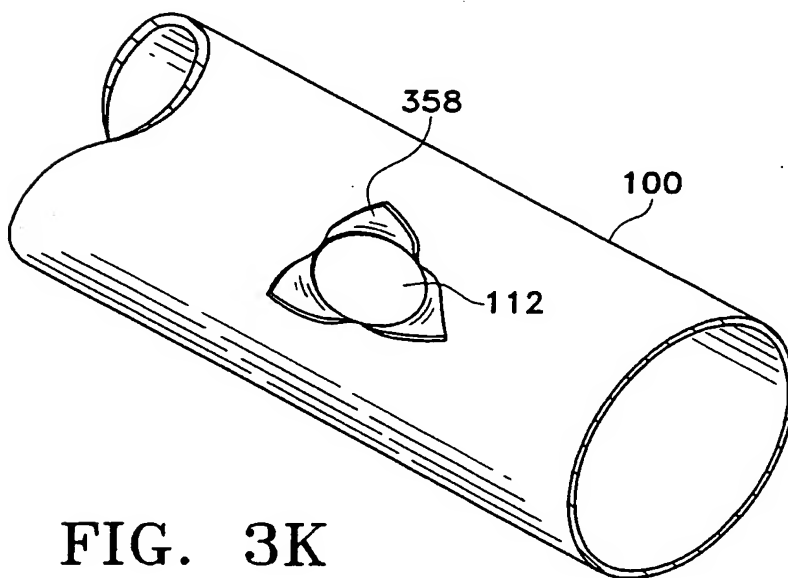


FIG. 3K

11/34

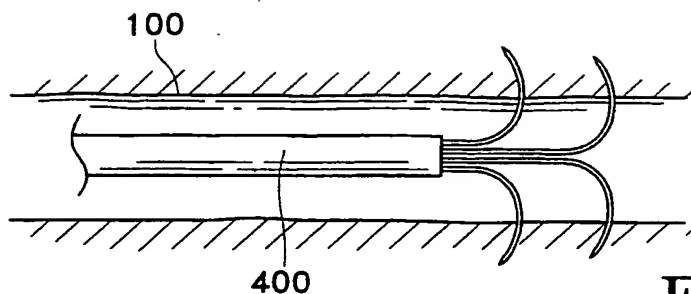


FIG. 4

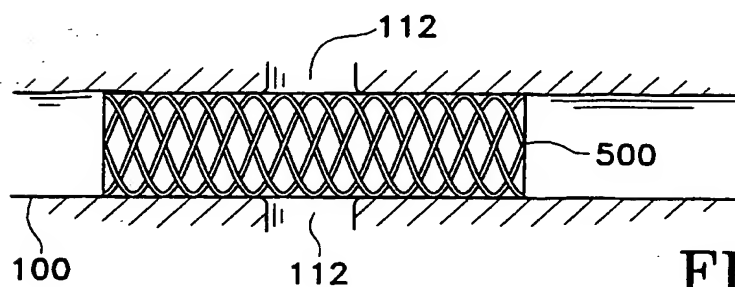


FIG. 5A

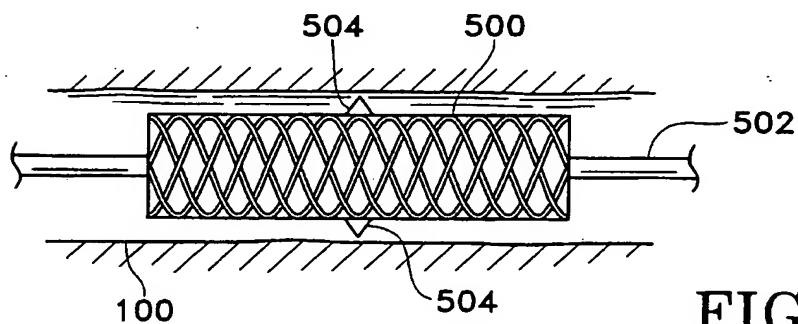


FIG. 5B

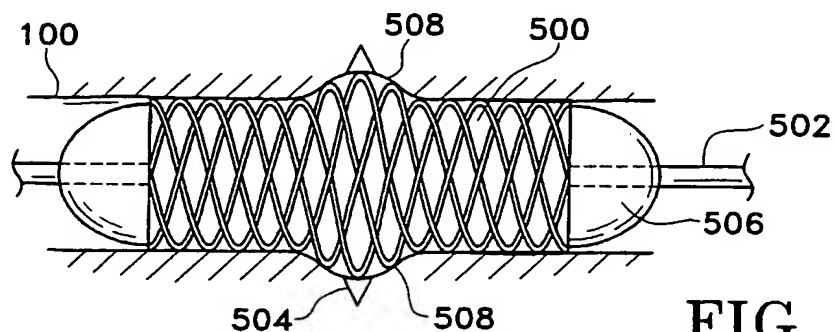


FIG. 5C

12/34

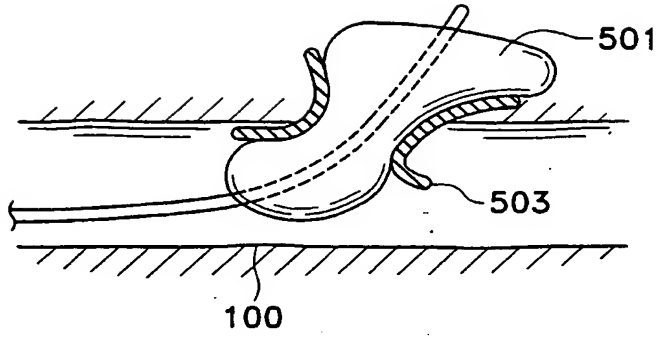


FIG. 5D

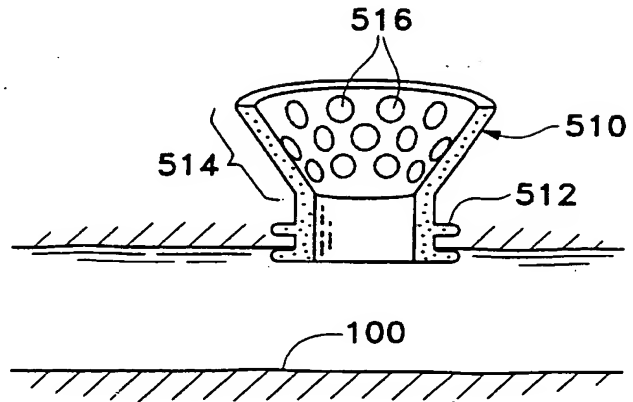


FIG. 5E

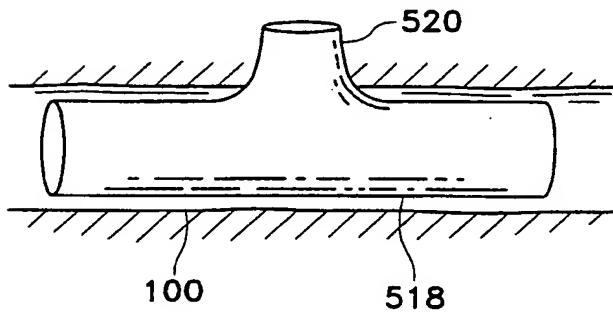
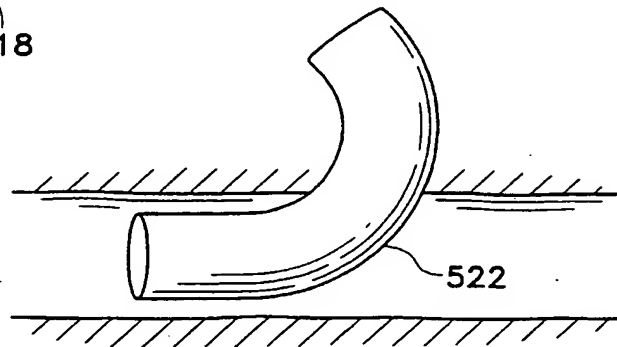


FIG. 5F

FIG. 5G



13/34

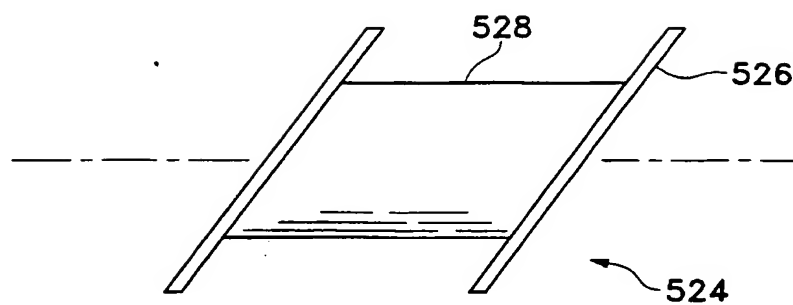


FIG. 5H

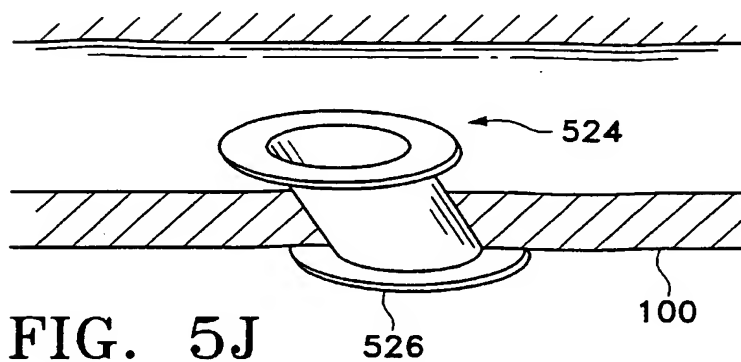


FIG. 5J

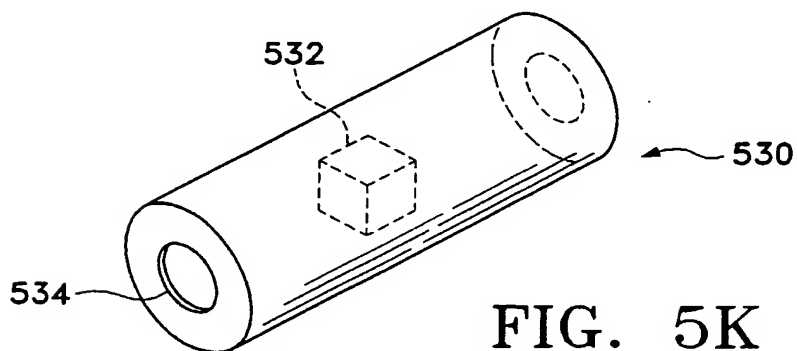
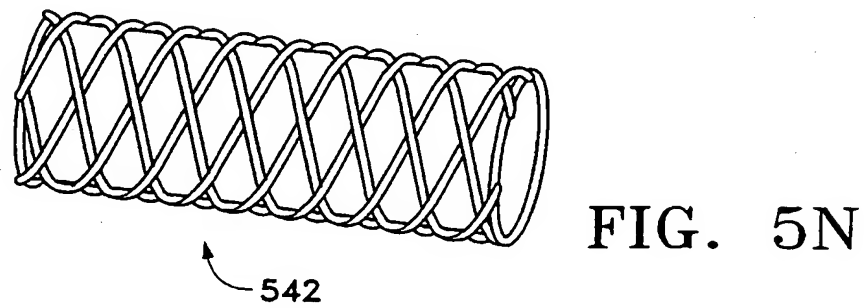
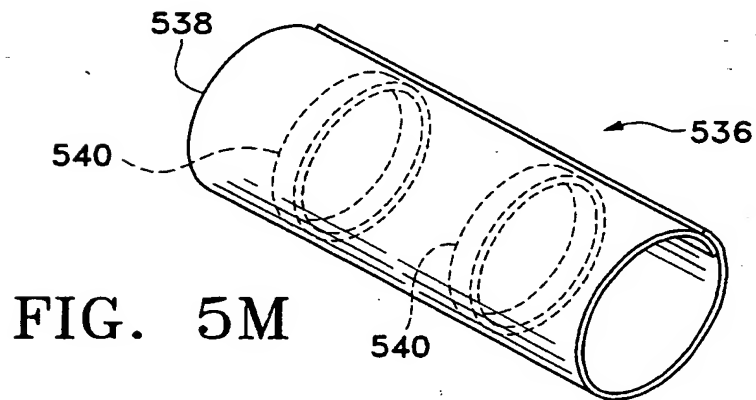
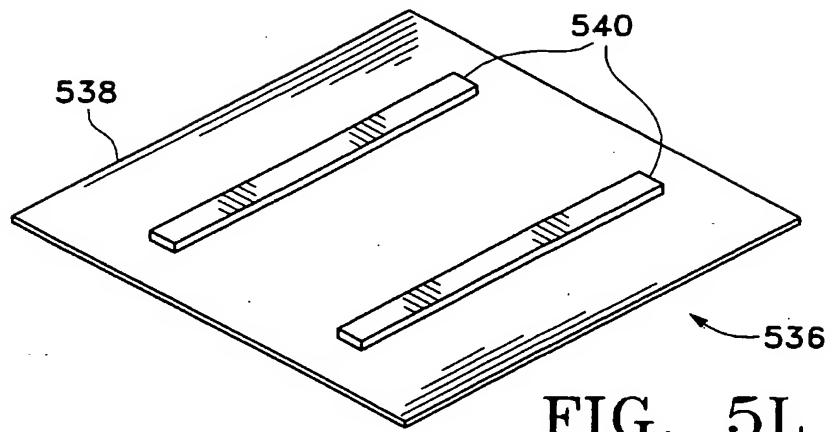


FIG. 5K

14/34



15/34

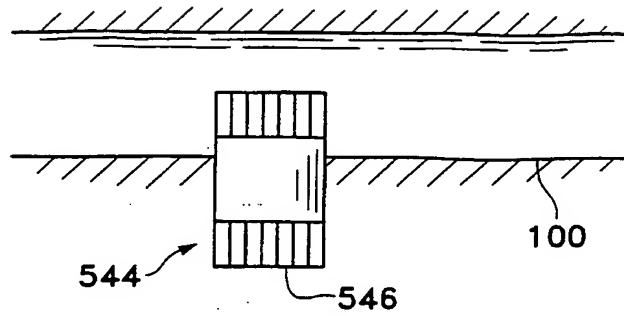


FIG. 50

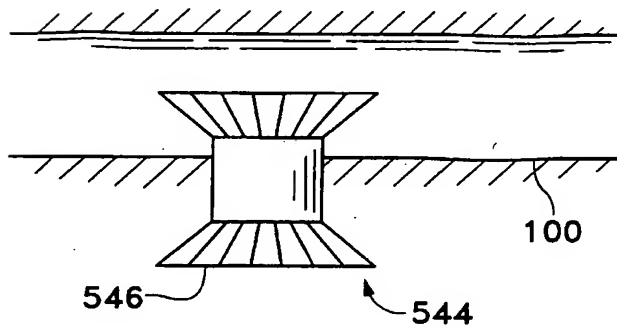


FIG. 5P

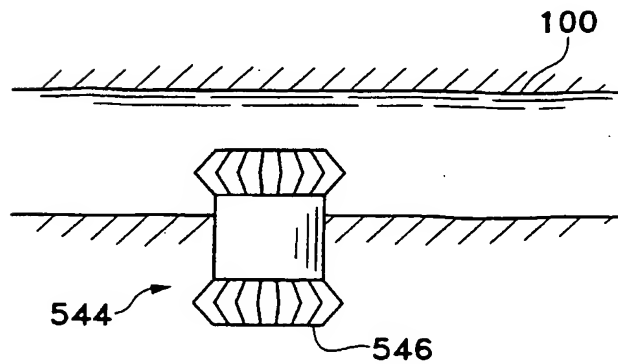
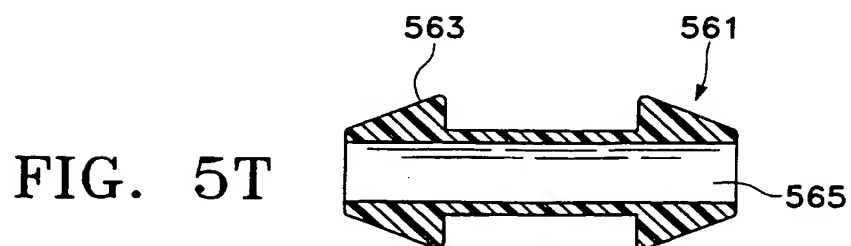
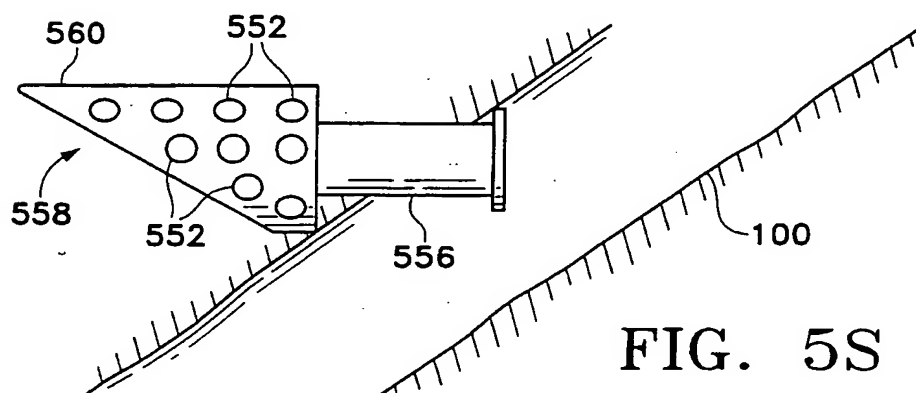
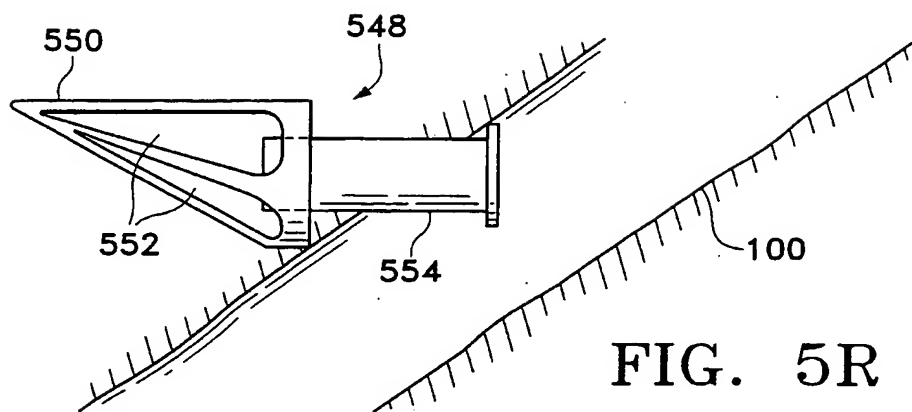


FIG. 5Q

16/34



17/34

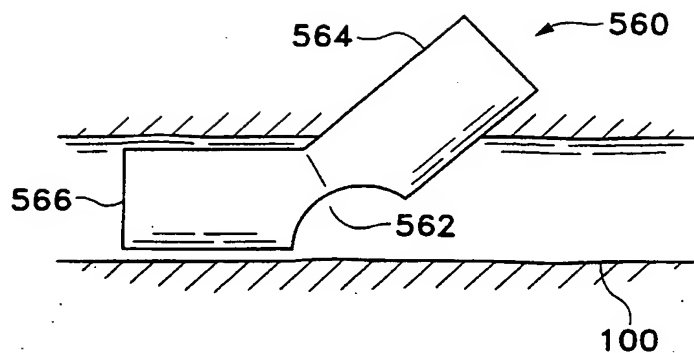


FIG. 5U

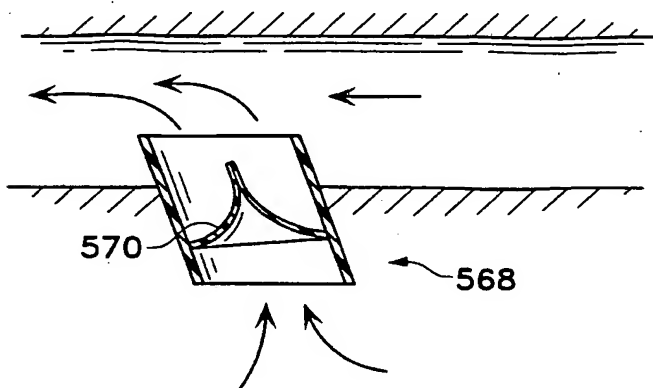


FIG. 5V

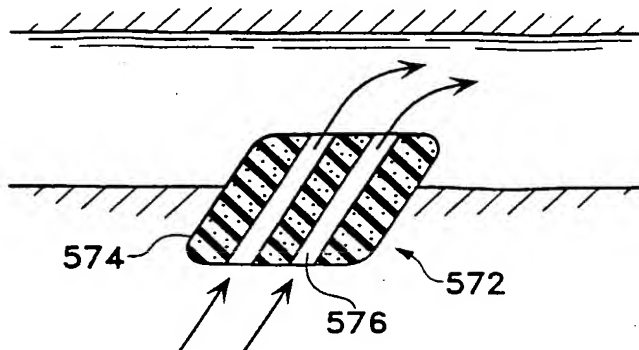
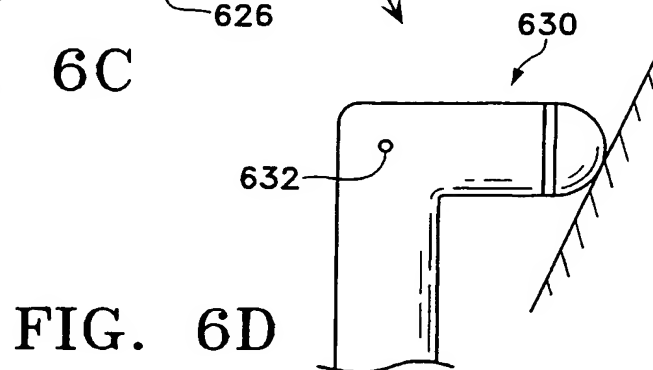
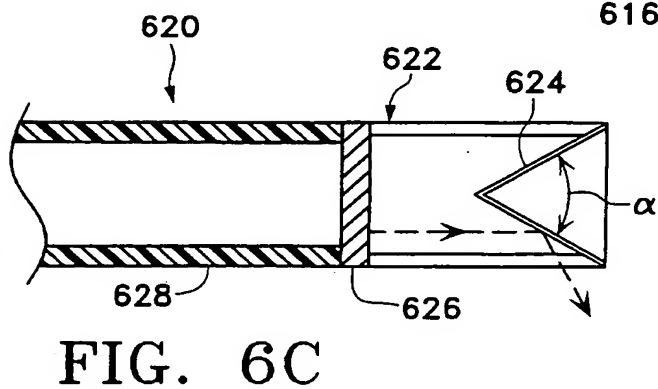
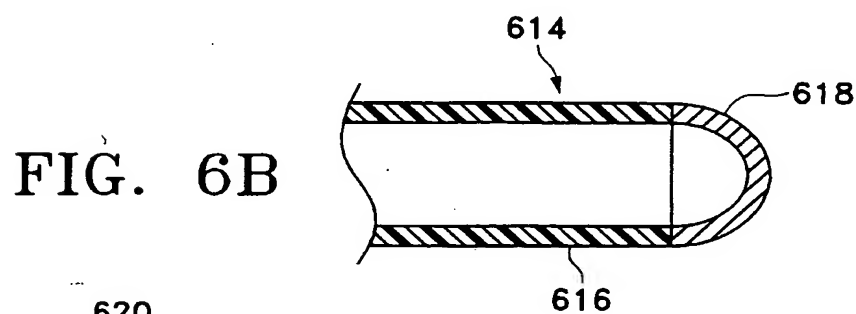
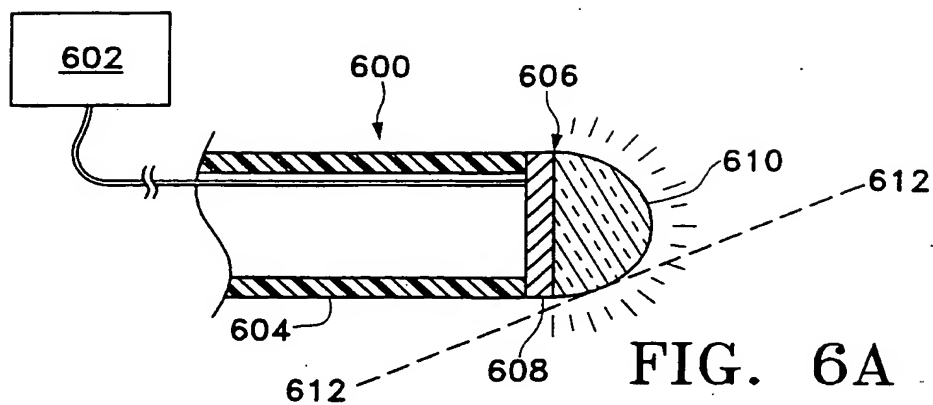


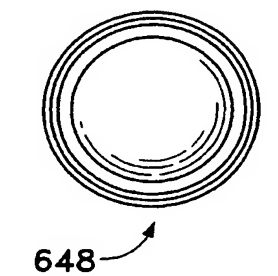
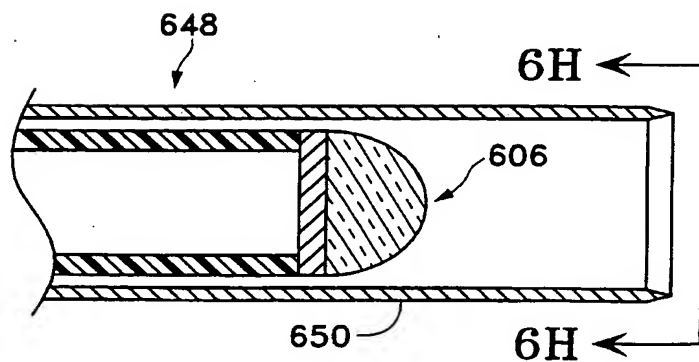
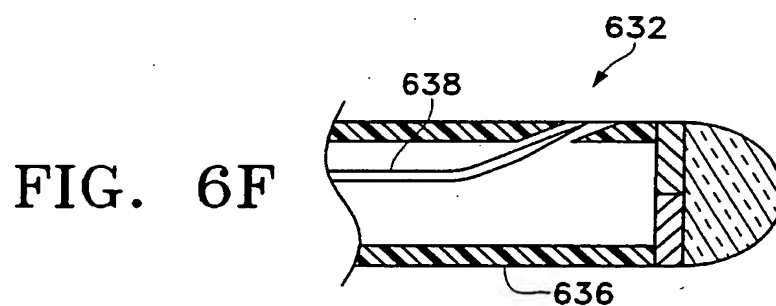
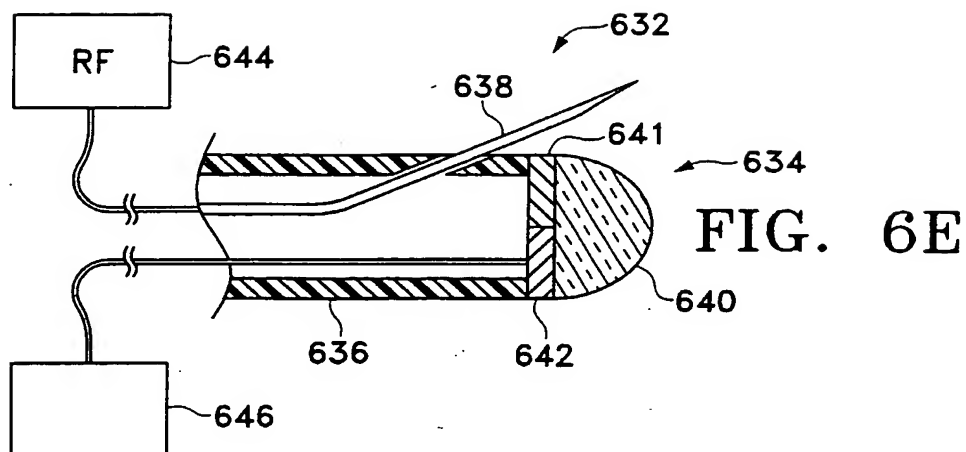
FIG. 5W



18/34



19/34



20/34

FIG. 6I

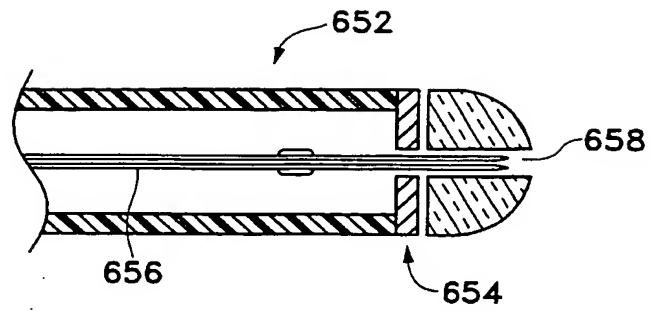


FIG. 6J

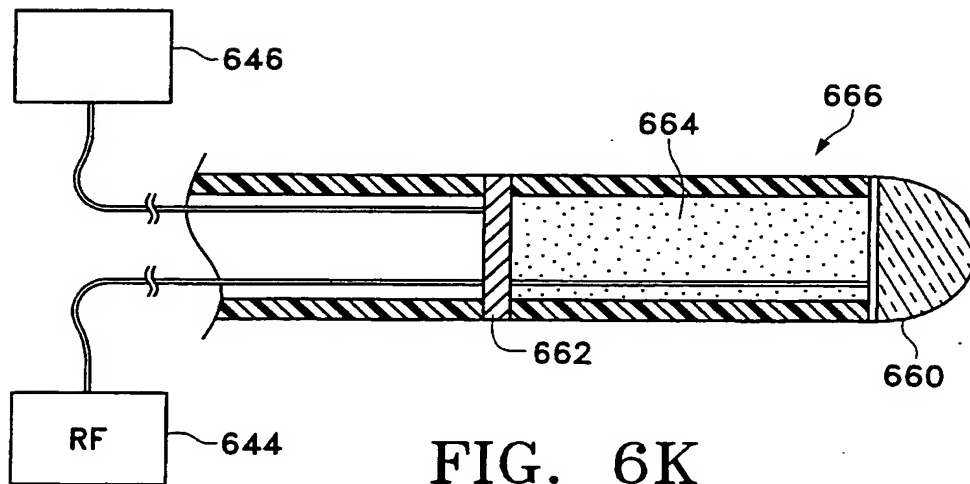
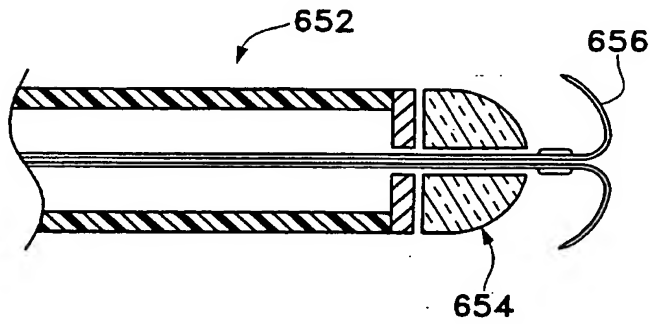


FIG. 6K

21/34

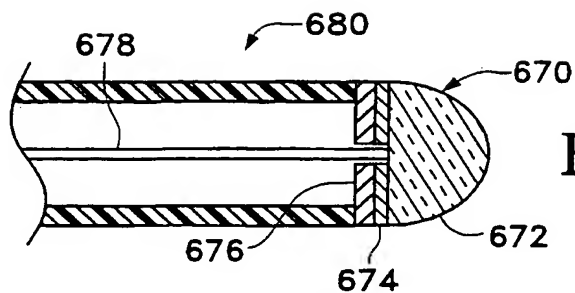


FIG. 6L

FIG. 6M

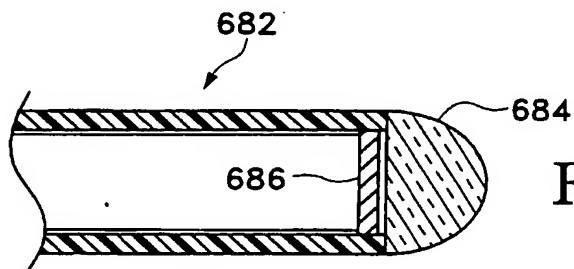
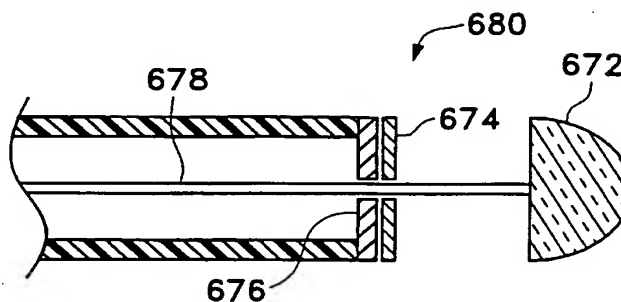
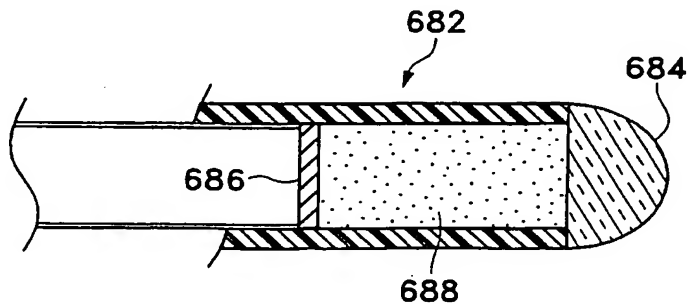


FIG. 6N

FIG. 6O



22/34

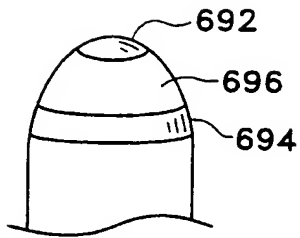


FIG. 6P

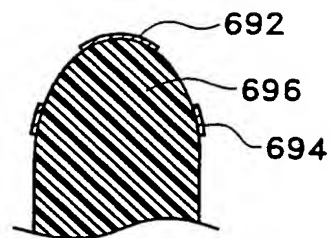


FIG. 6Q

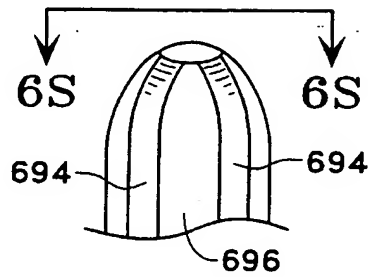


FIG. 6R

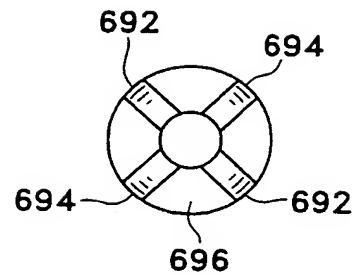


FIG. 6S

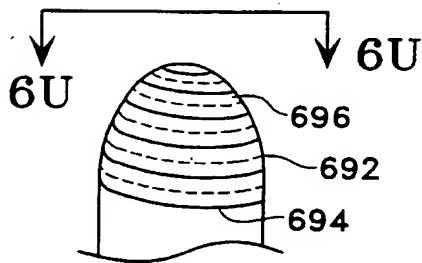


FIG. 6T

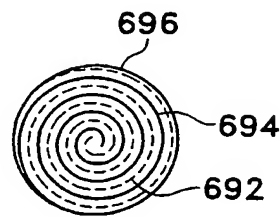


FIG. 6U

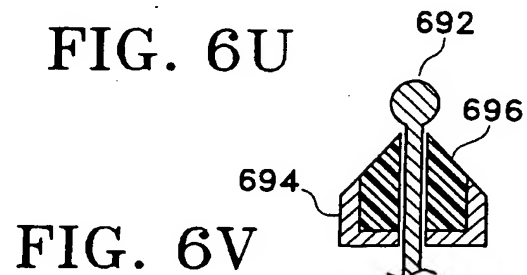


FIG. 6V

23/34

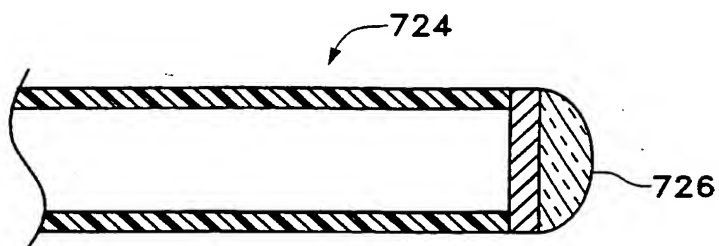


FIG. 6W

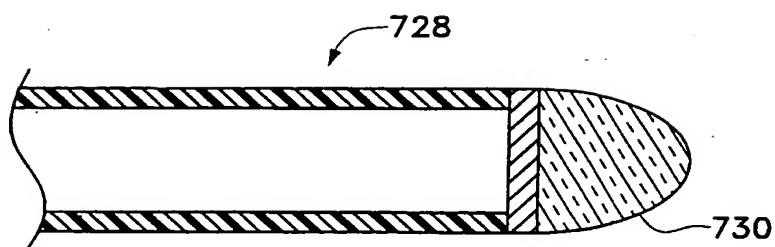


FIG. 6X

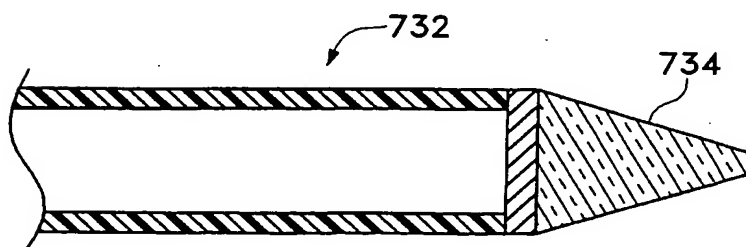


FIG. 6Y

24/34

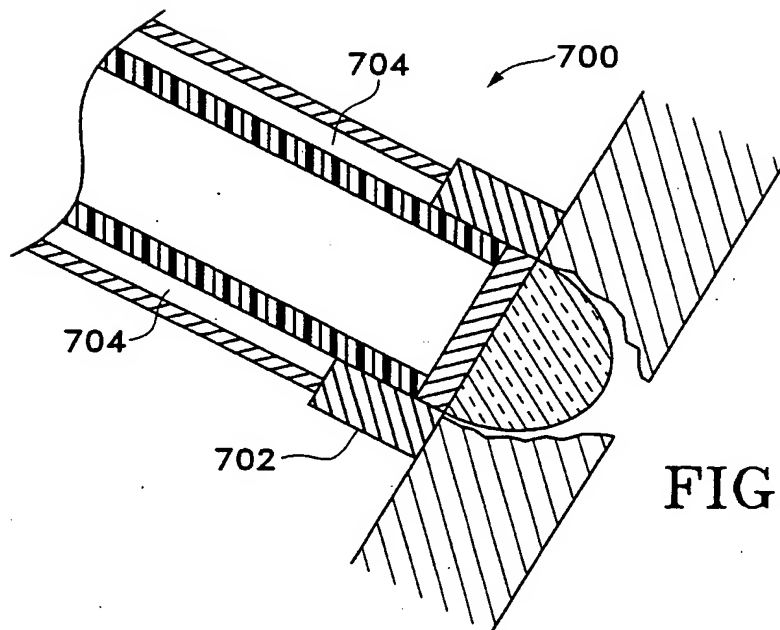


FIG. 7A

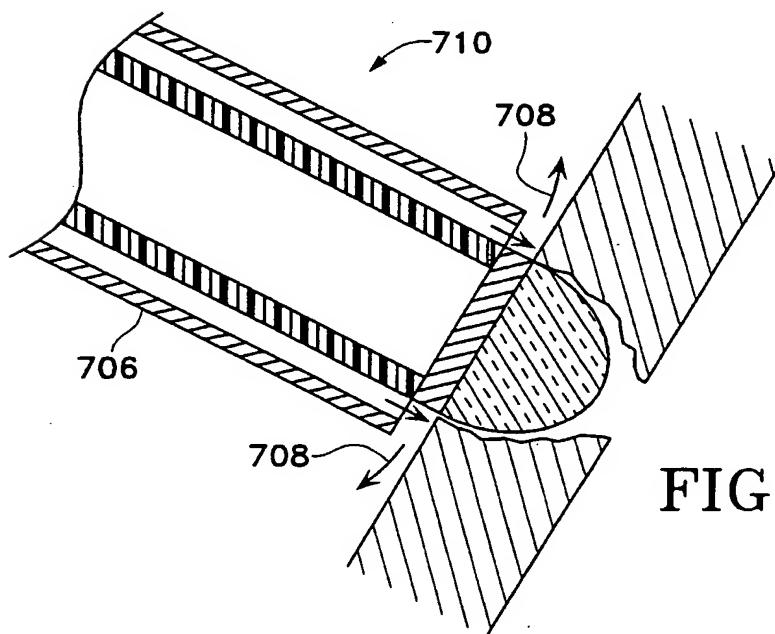


FIG. 7B

25/34

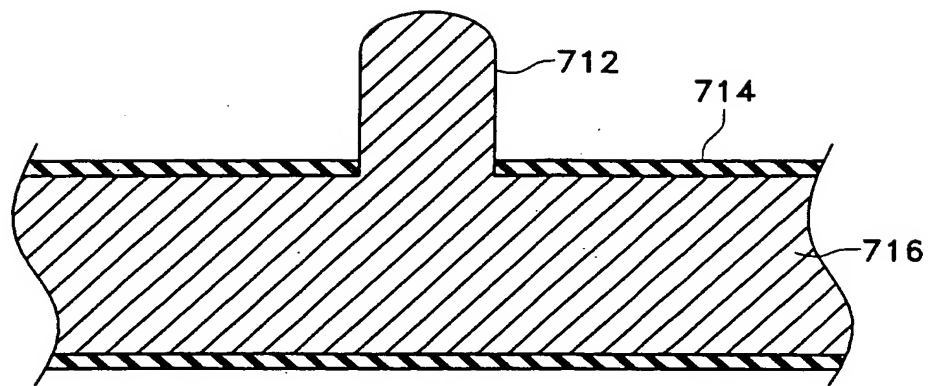


FIG. 7C

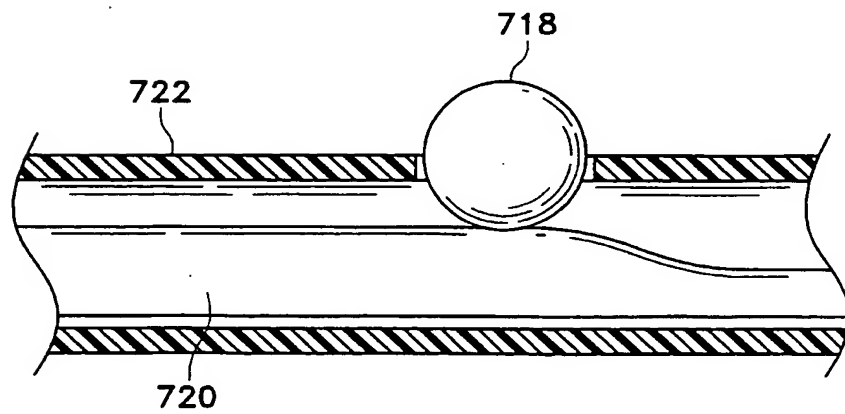


FIG. 7D



26/34

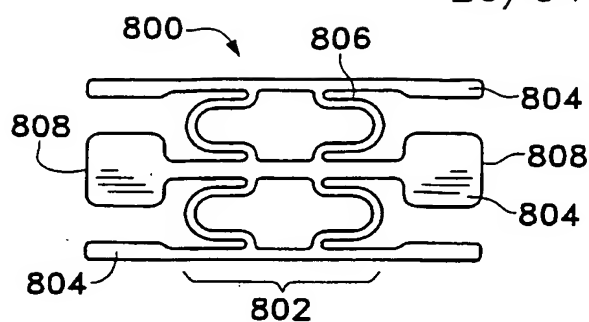


FIG. 8A

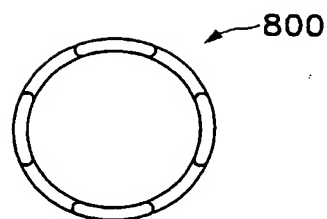


FIG. 8B

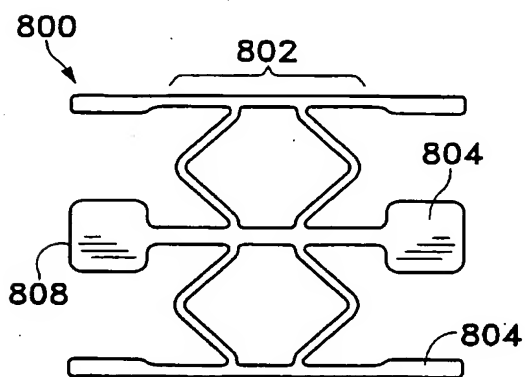


FIG. 8C

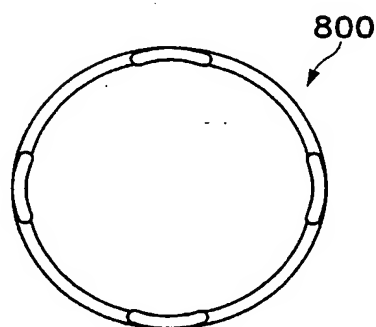


FIG. 8D

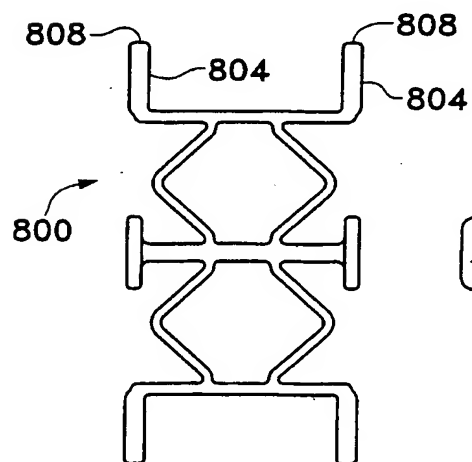


FIG. 8E

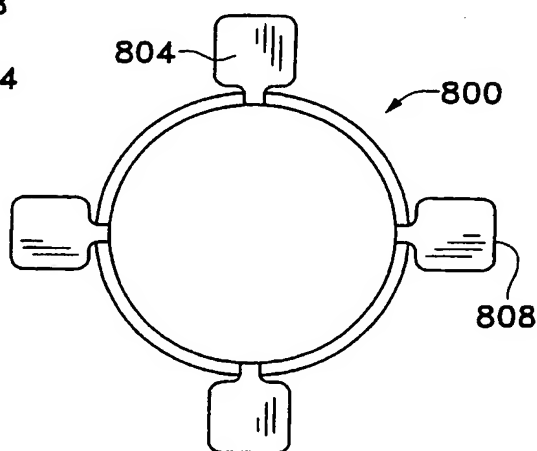


FIG. 8F

27/34

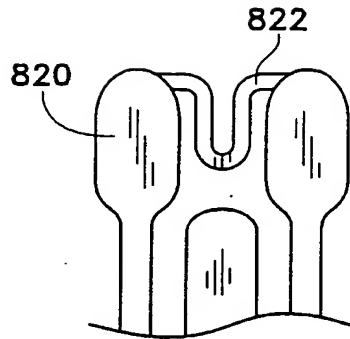


FIG. 8G

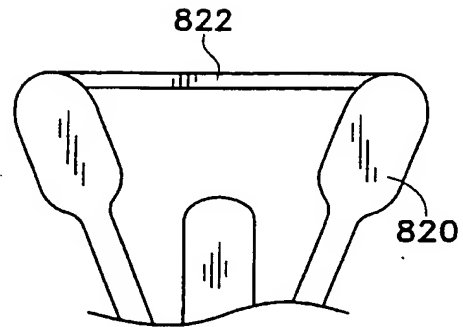


FIG. 8H

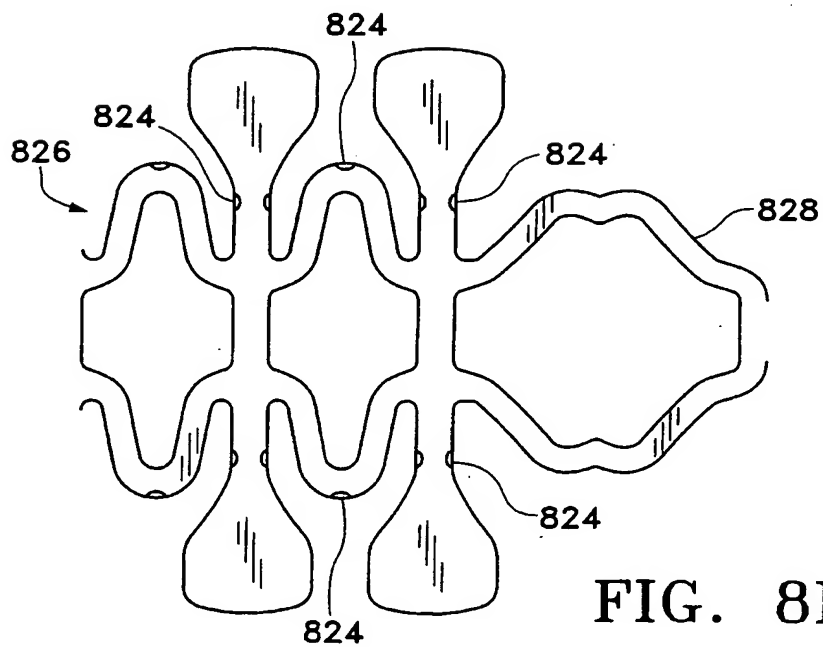
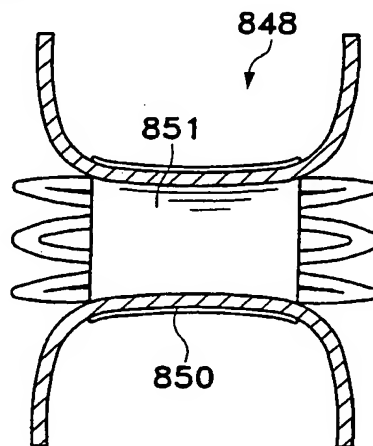
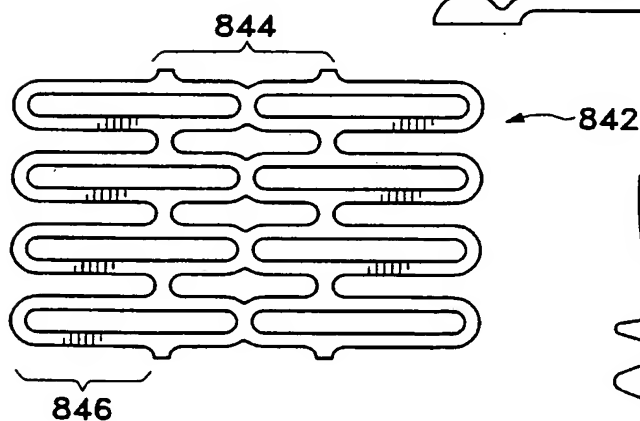
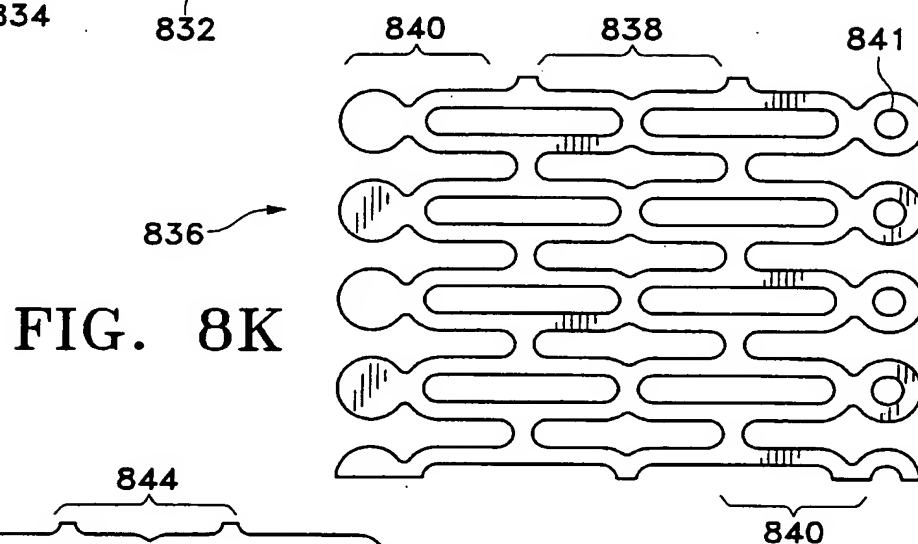
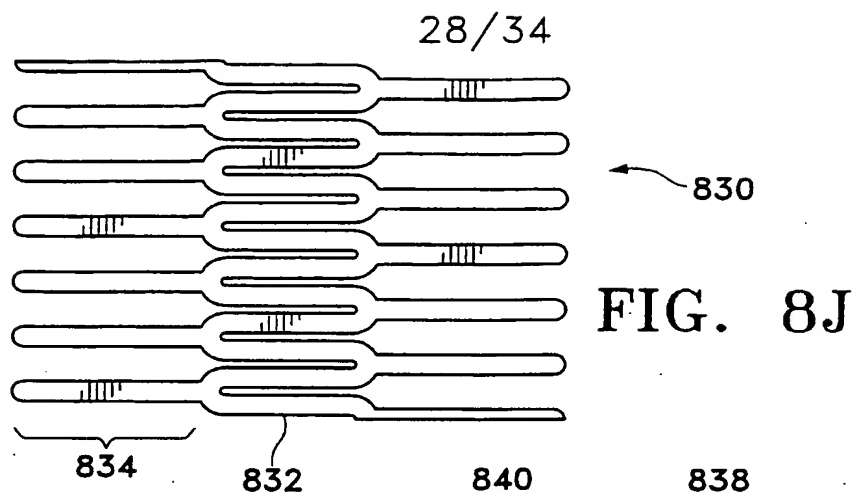


FIG. 8I



29/34

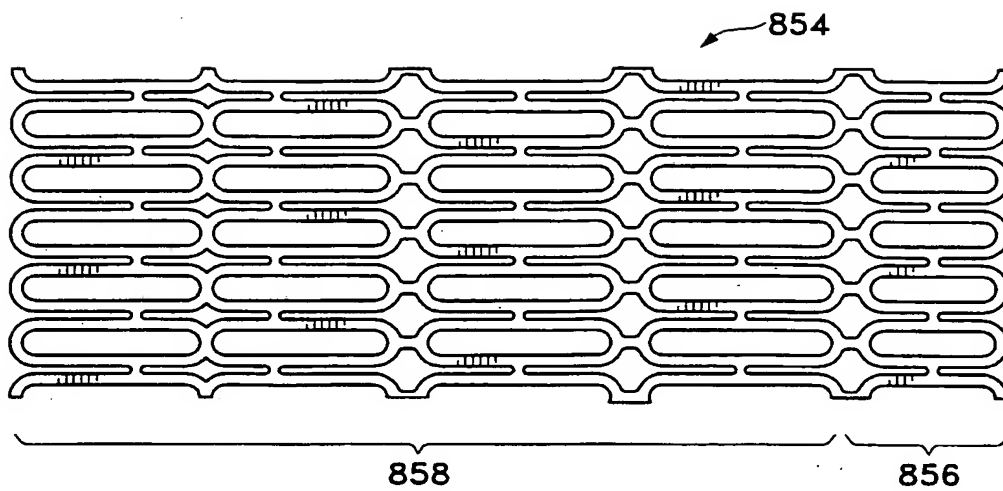


FIG. 8N

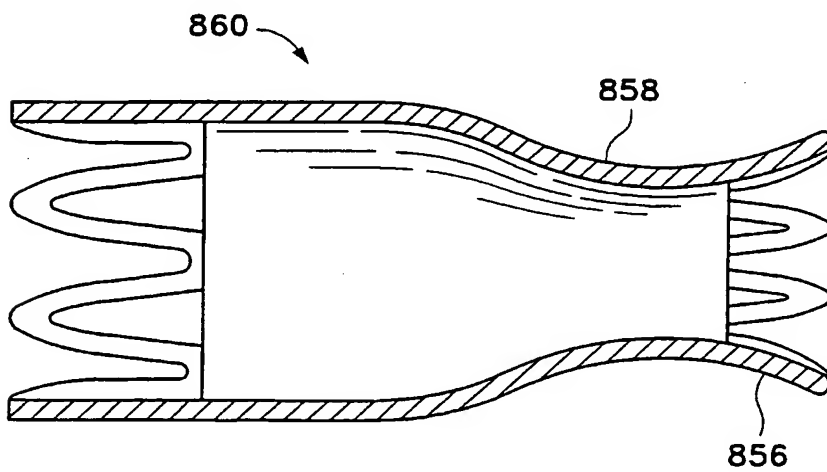
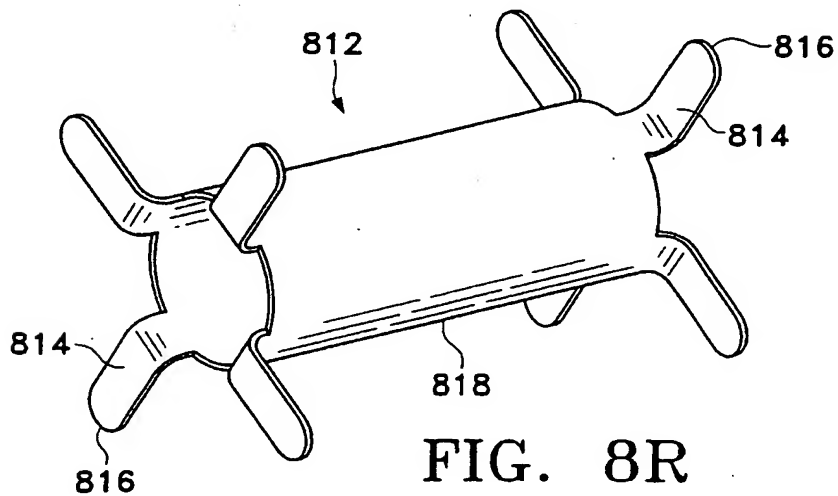
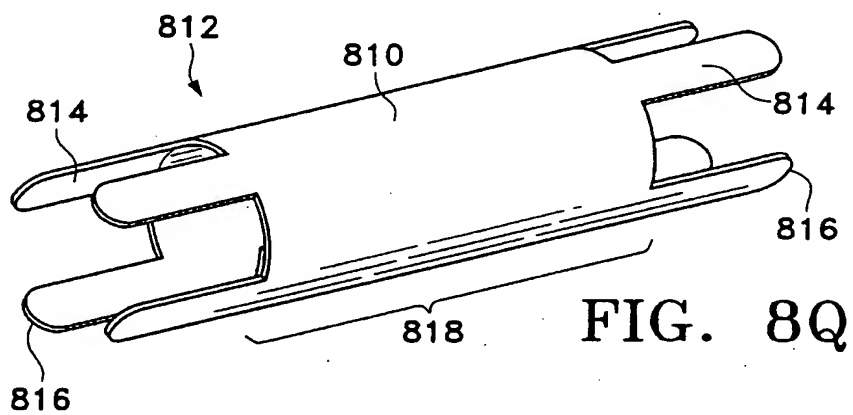
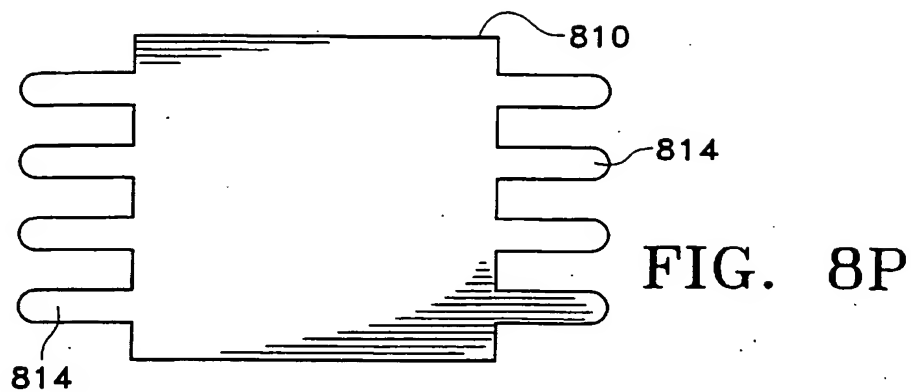
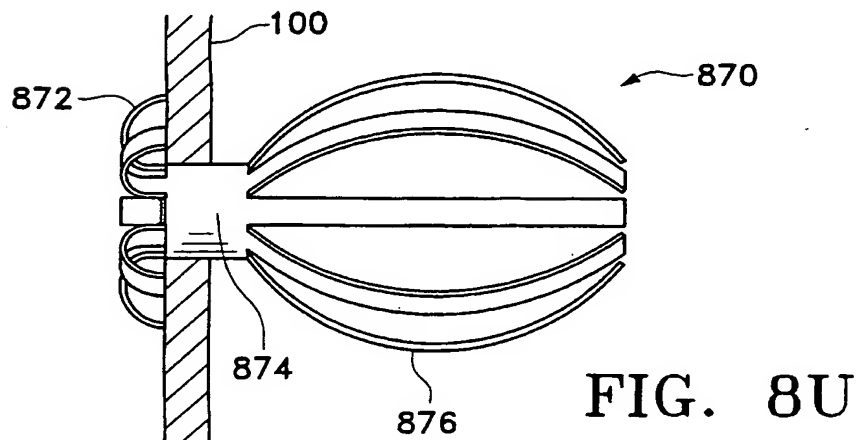
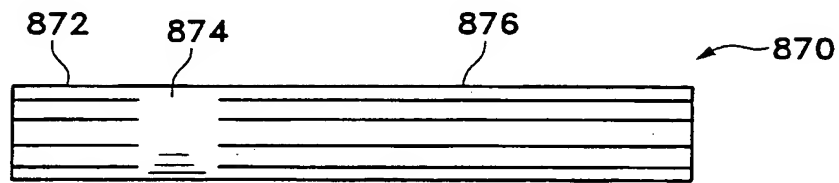
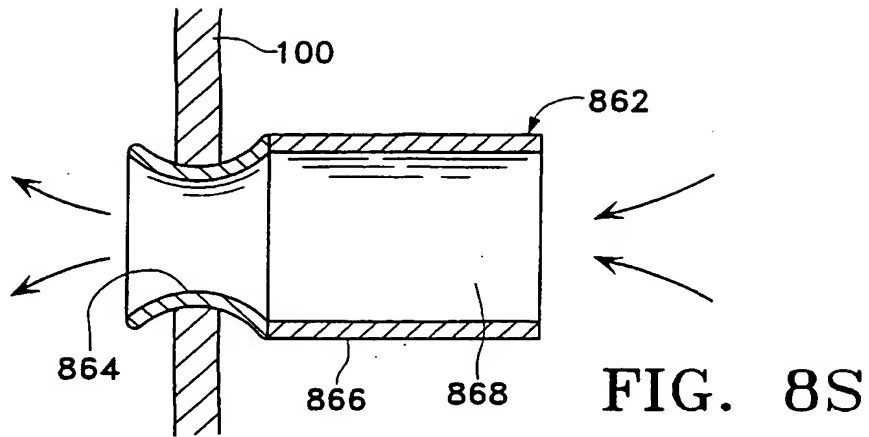


FIG. 8O

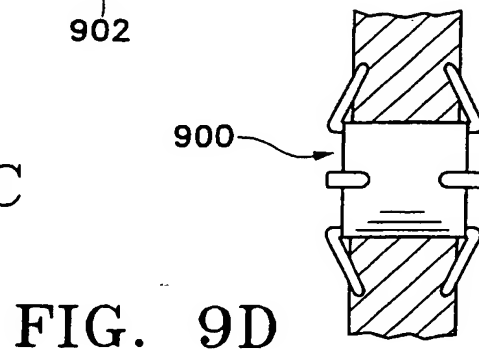
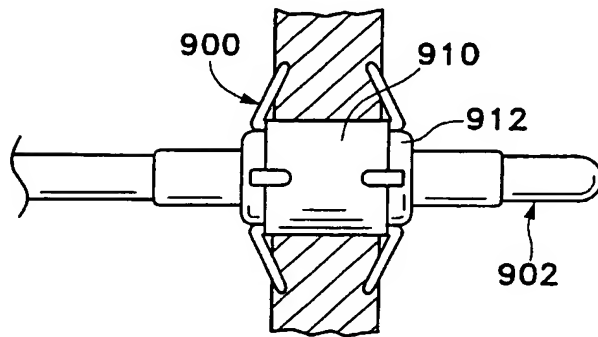
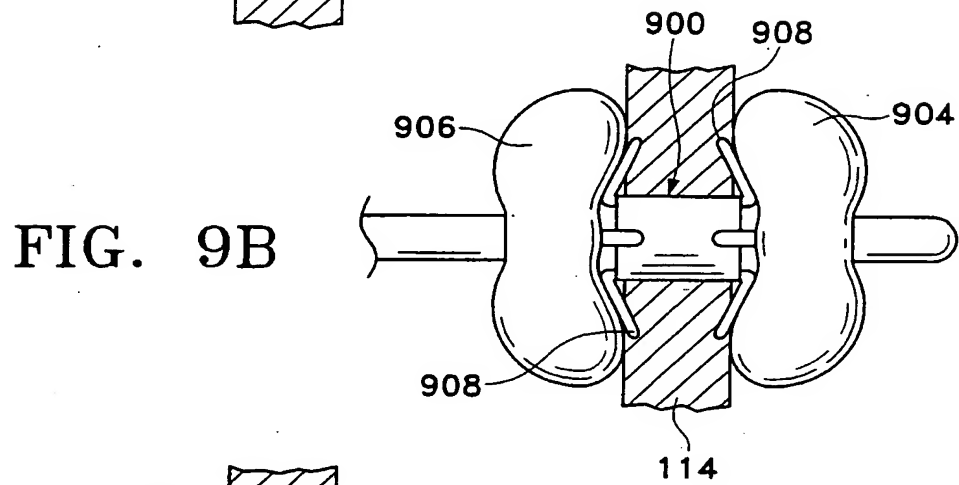
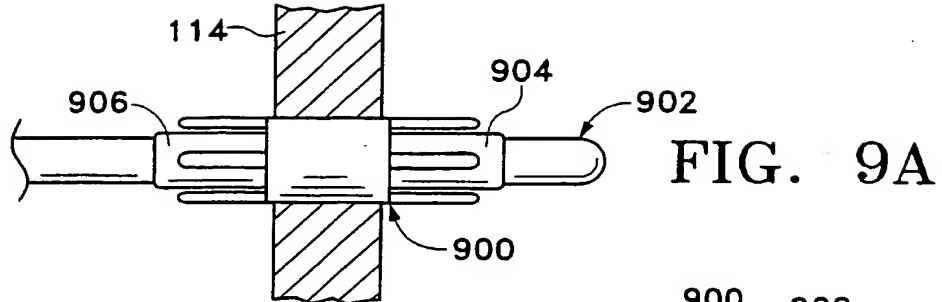
30/34



31/34



32/34



33/34

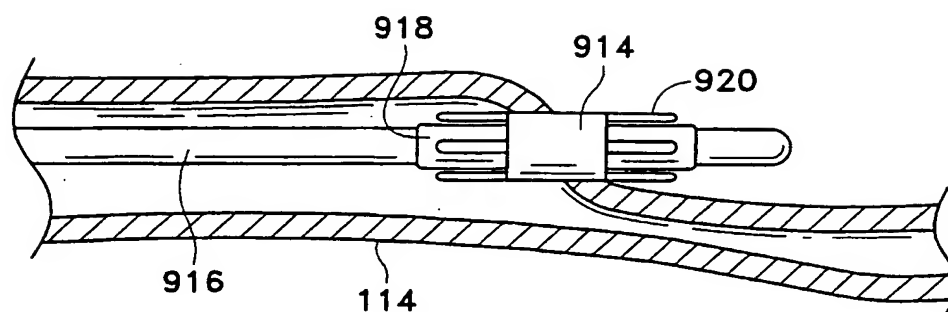


FIG. 9E

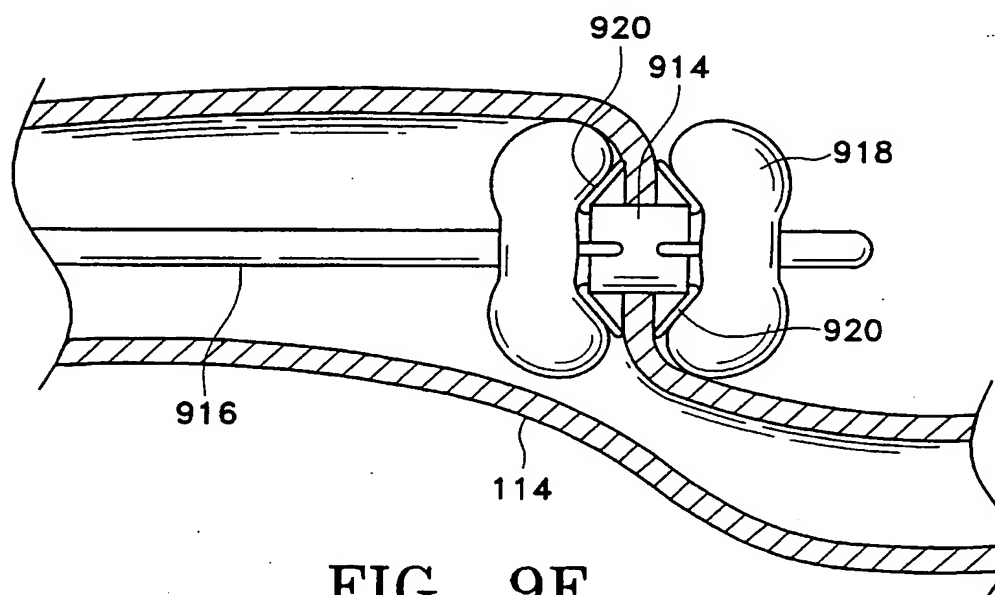
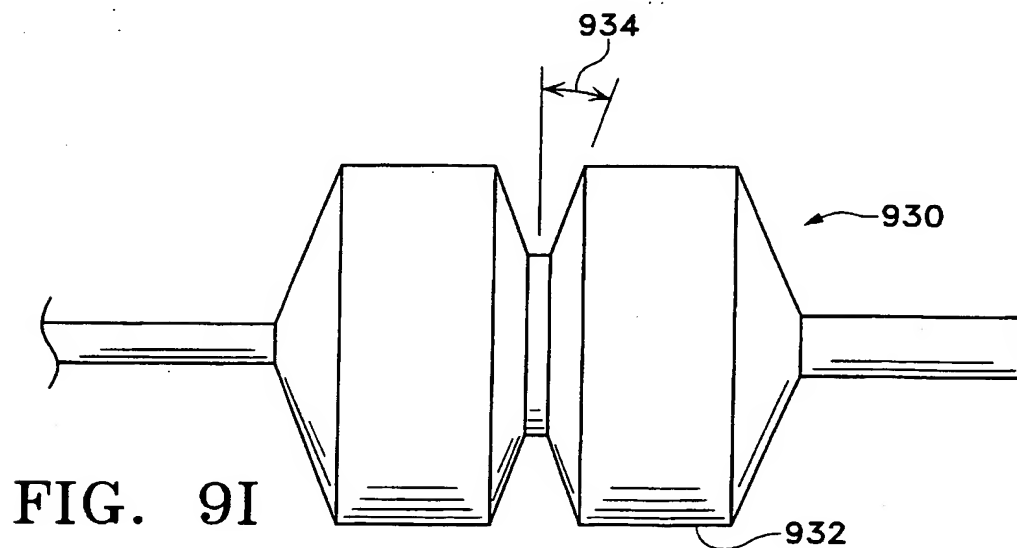
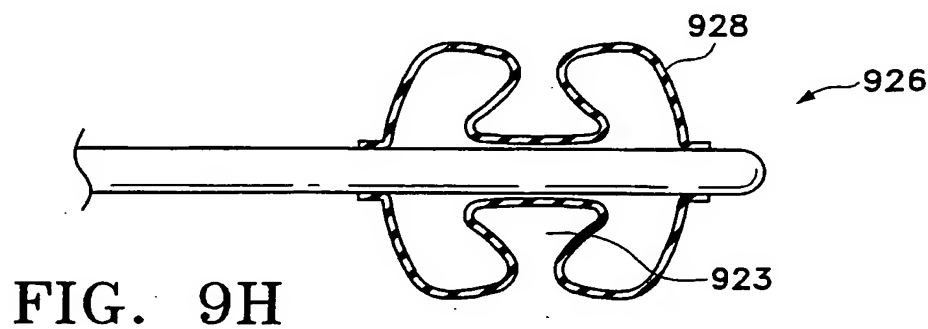
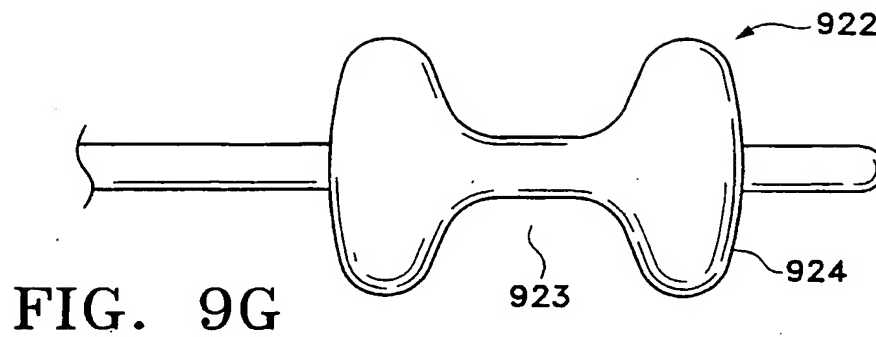


FIG. 9F



34/34



# PATENT COOPERATION TREATY

# PCT

## DECLARATION OF NON-ESTABLISHMENT OF INTERNATIONAL SEARCH REPORT

(PCT Article 17(2)(a), Rules 13ter.1(c) and Rule 39)


Applicant's or agent's file reference <b>435712003240</b>	IMPORTANT DECLARATION	Date of mailing (day/month/year) <b>13/12/2000</b>
International application No. <b>PCT/US 00/ 21637</b>	International filing date (day/month/year) <b>07/08/2000</b>	(Earliest) Priority date (day/month/year) <b>05/08/1999</b>
International Patent Classification (IPC) or both national classification and IPC		<b>A61B17/22</b>
Applicant <b>BRNCUS TECHNOLOGIES, INC. et al.</b>		

This International Searching Authority hereby declares, according to Article 17(2)(a), that no international search report will be established on the international application for the reasons indicated below

1. ☒ The subject matter of the international application relates to:
  - a. ☐ scientific theories.
  - b. ☐ mathematical theories
  - c. ☐ plant varieties.
  - d. ☐ animal varieties.
  - e. ☐ essentially biological processes for the production of plants and animals, other than microbiological processes and the products of such processes.
  - f. ☐ schemes, rules or methods of doing business.
  - g. ☐ schemes, rules or methods of performing purely mental acts.
  - h. ☐ schemes, rules or methods of playing games.
  - i. ☒ methods for treatment of the human body by surgery or therapy.
  - j. ☐ methods for treatment of the animal body by surgery or therapy.
  - k. ☒ diagnostic methods practised on the human or animal body.
  - l. ☐ mere presentations of information.
  - m. ☐ computer programs for which this International Searching Authority is not equipped to search prior art.
  
2. ☒ The failure of the following parts of the international application to comply with prescribed requirements prevents a meaningful search from being carried out:
 

☐ the description
☒ the claims
☐ the drawings
  
3. ☐ The failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions prevents a meaningful search from being carried out:
 

☐ the written form has not been furnished or does not comply with the standard.
   
☐ the computer readable form has not been furnished or does not comply with the standard.
  
4. Further comments: see further information PCT/ISA/203

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  <b>Nathalie Geisler</b>
---	---

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 203

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery ( claims 1-70 )

Rule 39.1(iv) PCT - Diagnostic method practised on the human or animal body ( claims 183-188 )

Article 6 PCT - Lack of clarity / conciseness ( claims 71-182, 189 )

The large number of claims, especially independent claims, and also the wording of the claims presently on file render it difficult, if not impossible, to determine the matter for which protection is sought.

Claim 71, according to PCT Rule 39.1 (iv), would be the first searchable claim of the application. Claim 71, however is itself unclear as it does not disclose any technical feature pertaining to the purpose of the device and implicitly encompasses an extremely large number of possible devices.

For this reason, claim 71 could not be used to define a first alleged invention claimed in the application and to assess how many non-unitary alleged inventions the numerous independent claims contain.

Thus, the present application fails to comply with the clarity and conciseness requirements of Article 6 PCT (see also Rule 6.1(a) PCT) to such an extent that a meaningful search is impossible. Consequently, no search has been carried for the present application.

Although no formal objection concerning lack of unity was made at this stage, it would also appear that several of the independent claims define alleged inventions which are not linked together as to form a single inventive concept.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.